

Chas. B. Harper.



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OFFICIAL DONATION.

Chas. L. Harper,

# Superintendence.

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## OPINIONS

BY STATE SUPERINTENDENT WM. STRYKER.

A county superintendent cannot enter into a contract with a school-district board to teach a public school over which he has supervision as county superintendent. The courts have held that, where it is the duty of a party to supervise a certain work, that he cannot enter into a contract to perform such work and receive pay for the same. After a superintendent, whose salary is \$600 or less, has performed all of the duties prescribed by law for him to perform, he is at liberty to employ himself as he sees fit, provided his work does not conflict with his official duties. He could contract and teach a select school, or a school in a city of the first or second class.

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Taxes levied in a school district at the time of the annual school meeting belong to the district in which they are levied. The fact that territory is detached from a district after the tax levy has been made does not entitle the district to which the territory has been attached to any part of the taxes collected in said first district for school purposes.

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A teacher, in connection with the district board, may expel a pupil for cause. If a pupil refuses to comply with reasonable requirements, that would be sufficient cause for expulsion. Requiring that a pupil learn a piece to speak once in two weeks would not be unreasonable.

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A teacher, when sustained by the district board, can compel a pupil to do anything within reason. Taking an examination at the close of each school month is not unreasonable.

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The school-district board and the teacher have the right to enforce a rule forbidding the use of tobacco in any form about the schoolhouse or upon the schoolhouse grounds.

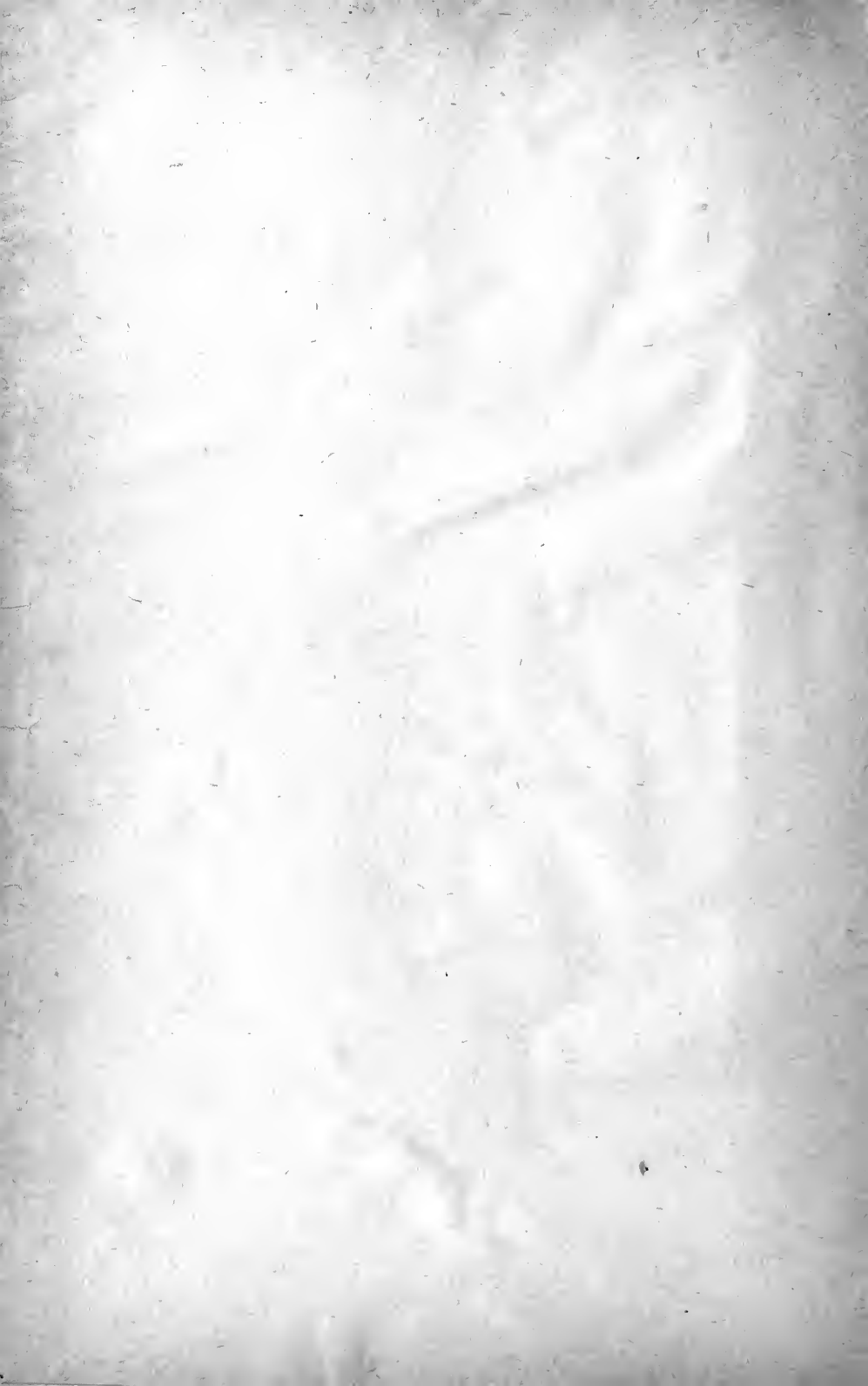
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Any taxpayer may object to public money being paid to a teacher not holding a certificate, and in that case the money must be made good to the district by the board.



## SUMMARY REVOCATION OF APPOINTMENT.

The question of whether a school board has authority to revoke the appointment of a teacher, summarily and without cause, was presented and answered in the negative in the case of *School, City of Lafayette v. Bloom*, which was recently before the appellate court of Indiana. 46 N. E. Rep. 1,016. It appeared that the appointment under consideration related to a certain school year, in which, beginning at a certain day, the teacher appointed was to hold a position and to teach at a certain salary of a certain amount by the month, or for each successive month, subject only to the right reserved by the board to remove her from the position at any time upon two weeks' notice to her. She signed a written acceptance of the appointment "subject to all the conditions enumerated." This established a contractual relation. Thereupon, notwithstanding the contract was wholly executory (or to be performed in the future), the court says, each party became bound, and each acquired rights. Parties to an executory contract may rescind it by mutual consent, but they each have a right to insist upon the maintenance of the contractual relation up to the performance, as well as the right to performance when the proper time arrives. It is the duty of one who has employed another to receive him into the service, and if he refuse to do so, without good cause, this will constitute a breach of contract for which an action will lie. This applies to teachers as well as to any one else. But in this case the board tried to get around this feature of the law by alleging that it had not contemplated a repudiation of the contract before the commencement of the service, only a removal of the teacher from the position, in accordance with the terms of the contract, the notice therefor being supplied by the notice of revocation of the appointment being given more than two weeks before the date for entry upon the service. Yet, under these circumstances, the court affirms a judgment for the teacher. It holds that a summary revocation without any previous notification was not a removal from the position upon two weeks' notice; that it mattered not that the revocation was in the vacation before the time for commencing the service under the contract; and that, under the contract, the board had no right to revoke the appointment summarily and without cause.



# LAWS OF WISCONSIN

RELATING TO

## COMMON SCHOOLS,

High and Normal Schools,

AND TO THE

STATE UNIVERSITY.

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IN FORCE JULY 1, 1897.

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PUBLISHED IN CONFORMITY WITH LAW,

UNDER THE DIRECTION OF

**J. Q. EMERY,**

STATE SUPERINTENDENT.



MADISON, WIS.:

DEMOCRAT PRINTING COMPANY, STATE PRINTER.

1897.

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## TO SCHOOL OFFICERS.

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This volume is public property, and is to be kept by the officers to whom it is sent, and handed to their successors in office. District officers may loan their copies to electors in their respective districts, but these officers are alone responsible for their safe keeping.

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## PREFACE.

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The statutes prescribe the following, among the duties of the state superintendent: "He shall cause the laws relating to common schools, with the rules and regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed in pamphlet form, with a suitable index, and he shall cause such pamphlets to be distributed among the several district and other officers having the care of common schools throughout the state." \* \* \* \*

"Whenever any amendments shall be made to the provisions of this chapter, he shall furnish a copy of such amendments to every school district in the state."

This edition of the School Laws of Wisconsin is issued in compliance with the foregoing statutory provisions, and includes the various acts of the legislature of 1897, relating to school laws. It also includes the laws relating to free high schools, state normal schools and the University of Wisconsin.

Chapter 354, laws of 1897, which takes effect July 1, 1897, is a revision and codification of the school laws of the state, in which the laws upon school matters, contained in numerous acts of the legislature, scattered through many years, are brought together in their proper relations and connections.

Attention is called to various amended sections, as follows:

Section 412, amended to make more explicit the authority to consolidate districts, and to form new districts from parts of existing districts.

Section 413, amended by inserting the words "whenever a new district shall be formed," at the beginning of the second sentence.

Section 417, amended by inserting the words "of the town or towns of —," to supply an omission.

Section 423, amended by adding a clause, providing this section shall not apply to districts where the school is suspended and provision is made for the instruction of pupils in another district, or other districts.

Section 427, amended by substituting the word "shall" for the word "may" in the first clause; also by adding the words, voting a tax to compensate the clerk, and authorizing a change in text books." These things are authorized to be done at annual meetings only, in subdivision 18, of section 430, and in section 440.

Also amended by adding the words "exclusive of the day on which the meeting is to be held" at the end of the section.

Section 430, subdivision 15 is inserted, and provides for authorizing the district board to suspend a school and to arrange for the instruction of pupils in an adjoining or other district, and for their transportation thereto.

Subdivision 16 is added, authorizing any district to vote a tax to provide for the conveyance of children to and from the schoolhouse. Subdivisions 17, 18, 19 are renumbered.

Section 432, amended by adding at the end of the present section the words, "No formal notice of a meeting shall be required where all members are present and consent to consider matters relating to the district, but the clerk shall make a record of all determinations of the board at all meetings thereof."

Section 446 is amended by inserting the words, "and to the town treasurer," in the first subdivision, that the latter officer may perform the duties required in other parts of the law.

Section 447 is amended by adding a clause authorizing kindergarten instruction and training in primary grades. Also, providing for instruction in U. S. history.

Section 453 is amended in first sentence by requiring charges against teachers to be made in writing.

Section 455 is amended by authorizing the board of examiners



to pass upon evidence of good moral character, experience and success in teaching, in the same manner as they do when acting upon diplomas and certificates granted in other states.

Sections 458a, 458b, 458c, 458d are revisions of previous laws upon the subject of countersigning teachers' certificates, and of diplomas and certificates of universities, colleges and normal schools, scattered through several years, but principally contained in chapter 156, laws of 1893, and chapter 243, laws of 1895

Section 467 is amended to require apportionment of money by town clerks of all money collected or received for school purposes by the town treasurer on or before the third Monday in March annually.

Section 486a includes amendments by chapter 47, laws of 1895, and amendments (1) changing time when books shall be purchased; (2) omitting the circulating feature of township library; (3) requiring each district clerk to keep a record of the books received for the district from the town clerk.

Section 490, amended to include subdistricts, and includes amendments by chapter 245, laws of 1879.

Section 492 includes section 2, chapter 245, laws of 1879, and is otherwise amended to provide for subdistricts.

Section 509, amended to conform to present title of Webster's dictionary, and authorize its sale to normal schools and to county superintendents.

Section 514, as amended by chapter 251, laws of 1883, is now found as section 440a.

Section 523 is amended by providing for limiting the number of days for which a secretary may be compensated in any year.

Section 524 is amended by authorizing water supply for school premises, and the free transportation of all pupils living more than one and one-half miles from the schoolhouse.

Section 534 slightly amended to make report correspond with the annual report to county superintendent for the school year ending June 30.

Section 540, amended to provide that no money collected for school purposes shall be paid out for any other purpose.

Section 541, amended by fixing the place for subdistrict annual meetings.

Section 547, amended by adding at the end of the first sentence the words, "without regard to the town in which he may reside."

Section 551, amended by exempting districts maintaining graded schools from operation of township system.

Section 554 of chapter XXVIII of the revised statutes is amended by providing for an annual apportionment of the school fund income, including the amount to accrue from the one mill tax to be collected by the several counties before the first Monday in February next succeeding the date of the apportionment, and to make the law otherwise conform to this provision.

This section is also further amended by providing for counting the time any district may suspend its school and provide for instruction and conveyance of pupils in an adjoining or other district as compliance with the law relating to maintenance of a public school in the district.

Section 557 is amended by providing that the amount apportioned to any county in December from the school fund income shall be payable to the county treasurer at the time he is required by law to pay the state treasurer the amount due from his county on account of state taxes collected by him.

This chapter retains the numbers of the sections in Sanborn & Berryman's annotated statutes. The catch words introducing the sections correspond, so far as applicable, with those of Sanborn & Berryman's annotated statutes, and are used by permission. Comments and explanations, common to the various editions of the school code issued in the past, are given where the law seems obscure or its interpretation doubtful.

MADISON, Wis., June 21, 1897.

# THE SCHOOL LAWS OF WISCONSIN.

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## CHAPTER 354.

AN ACT to amend, codify, and revise chapter 27, of the revised statutes of 1878, entitled, "of common schools," and chapter 28, revised statutes, of 1878, entitled, "of the distribution of the school fund income;" and of laws amendatory of those chapters, as authorized and required by section 3, of chapter 253, of the laws of 1895.

*The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter 27, of the revised statutes of 1878, is hereby amended so as to read as follows:

## CHAPTER 27.

### I.—FORMATION, ALTERATION, MEETINGS AND POWERS OF DISTRICTS.

#### FORMATION OF DISTRICTS.

**Town boards may form and alter**—SECTION 412. The town board of each town in this state shall have power to form and alter districts in the manner hereinafter set forth; provided, that every school district shall be of contiguous territory, and shall not embrace more than thirty-six square miles of land; and that whenever any school-district which has by vote contracted a debt, shall be altered by taking territory from it before such debt is fully paid, no such alteration shall be made so as to leave to the district from which territory is taken an indebtedness exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for state and county taxes previous to the incurring of such

indebtedness. Two or more existing districts may be united to form a single district, and new districts may be formed from parts of existing districts.

The purpose of the provision requiring school districts to be composed of contiguous territory is to secure districts as compact as the natural features of the country will permit. It is important that districts should embrace sufficient wealth to enable them to maintain efficient schools without oppressive taxation, and school population enough to elicit the best efforts of the teacher, and to give continued zest to the school. Only compact and well formed districts can secure these results.

By section 263, revised statutes, no district which is indebted to the trust funds of the state can be altered by taking therefrom any land included therein at the time of obtaining such loan, until such loan is fully paid, without the consent of the land commissioners of the state, and only upon such terms as they shall prescribe.

Sections 474, 475, 476, 476a, authorize school districts to borrow money in certain cases, and prescribe the mode of procedure.

**How formed** — SECTION 413. The formation of any such school district shall be by written order of the town board describing the territory embraced in the same, to be filed with the town clerk within twenty days after the making thereof. Whenever a new district shall be formed, the supervisors shall deliver to a taxable inhabitant of the district their notice thereof in writing describing its boundaries and appointing a time and place for the first district meeting, and shall therein direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor, and said inhabitant shall notify the voters of such district accordingly, and endorse thereon a return containing the names of all persons thus notified, and said notice and return shall be recorded as a part of the record of the first meeting in such district.

The order forming a new district should describe its territory by the government surveys; that is, the order should describe the parcels of land embraced in the new district, and need not contain the names of its inhabitants. See Form No. 1.

This section provides for the formation of districts out of new territory, and the order may take effect immediately. Section 419 prescribes the mode of procedure where the new district is formed in whole or in part from territory detached from other school districts.

Whenever practicable the notice for which this section provides should be read in the hearing of each voter. Where this is impracticable a copy of the notice must be left at the residence of the voter.

The notice for the first meeting of the new district must be served as early as the sixth day before the day named for such meeting, as the day on which the notice is served is not counted. See Forms Nos. 2 and 3.

Not only the names of all persons notified, but the manner in which the notice was given to them must be embraced in the return made. "All returning officers are ministerial, and are bound to set forth in their returns all acts done by them, that the proper tribunal may judge of their sufficiency. They are not competent to judge of the legality of a notice or service; and a return that a precept has been *legally* served, or that the duty enjoined by the warrant has been duly performed, would most clearly be insufficient." 12 Pick., 206.

The return is the only competent evidence of the service of the warrant and is to be endorsed on the notice read to the voters and signed by the person giving the notices. This document should be produced at the first meeting, and filed with the records of the district. See Form No. 4.

**Another proceeding for forming—SECTION 414.** In case such notice shall not be given, or the inhabitants of a district shall neglect or refuse to assemble and form a district meeting when so notified, or in case any school-district, having been formed or organized, shall afterward be disorganized, so that no competent authority shall exist therein to call a special district meeting in the manner herein provided, notice shall be given by the town board, and served in the manner prescribed in the preceding section. Whenever a district meeting shall be called as prescribed in this and the preceding section, it shall be the duty of the electors of the district to assemble at the time and place so directed. See Form No. 5.

The qualifications of electors are defined in sections 428 and 428a. The inhabitants having assembled in compliance with the call for which the section provides, the meeting should be organized by the election of a chairman and clerk *pro tempore*, and then proceed to the election of officers according to the provisions of section 431. Section 416, and the comments following, describe the mode of procedure that should follow the election of a district board.

**Formation of joint district**—SECTION 415. Whenever it shall be necessary to form a district from two or more adjoining towns, the town boards of such towns shall meet together and form such district by their written order, describing the territory embraced in such district, signed by at least two of the supervisors of each town; and shall file one such order with the town clerk of each town, and deliver the notice of formation to a taxable inhabitant of such district, and cause the same to be served and returned in the time and manner hereinbefore prescribed; and any such district may be altered only by the joint action of the town boards of such towns in the same manner that other districts are altered. See Form No. 6.

Ordinary districts may become joint districts by the division of a town, without any further action. 35 Wis., 178.

It will be seen by this section that a joint district can be formed, altered, or dissolved only by the joint action of the supervisors of all the towns interested, and an order effecting any of these changes must be signed by a majority of each town board.

Notice for the first meeting of a joint district must also be signed by a majority of the supervisors of each of the towns in which any part of such district is situated.

**Organization of a district**—SECTION 416. Every school-district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk at the first meeting, and recorded in the minutes thereof; and every school-district shall be considered as duly organized, after it shall have exercised the franchises and privileges of a district for the term of two years. See Form No. 7.

If two of the officers elected are present, and at once file their acceptances with the clerk of the meeting, and he records them,

the district is then duly organized, and may proceed to the transaction of any other business, as provided in section 430. The treasurer is not likely to file an approved bond at that time, but that can be done afterwards. If two of the officers do not then file their acceptances, the meeting should adjourn and await their action. If the persons elected at the first meeting, or any of them, refuse to accept, the meeting may at once proceed to elect others. The same may be done at an adjourned meeting, if notice of refusal to serve is then received. The district should endeavor to effect a complete organization, but if after reasonable trial it fails to secure more than two officers by election, the two who have accepted may fill the vacancy.

When a district has exercised the powers and enjoyed the privileges of a school-district for two years, it is held to be legally organized, notwithstanding any informality of proceeding in its organization; and in the meantime, and until its organization is set aside by competent authority, it is the duty of its officers to comply with all the requirements of the school law. It is sufficient for them to know that it is a district *de facto*. After two years have elapsed, its organization cannot be set aside on account of any alleged defect in its original formation or organization.

**Corporate powers of districts** — SECTION 417. Every school district organized in pursuance of this chapter, or which has been organized pursuant to law, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district or joint school district number — of the town (or towns) of —, (name of the town or towns in which the district is situated); such number shall be designated by the town board or boards in the formation thereof; and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by law and of selling the same.

A school district, as a corporate body, has perpetual succession and existence by its corporate name, and may hold real and personal estate for its corporate purposes. It is a body created by law, and is wholly distinct from the individuals that may, from time to time compose it. It does not become dis-

solved, or lose any of its rights, or become discharged of its obligations by a change of its name, number or boundaries, or by becoming a joint district. (4 Wis., 79.) But the number of a district should not be changed when it can be avoided.

Contracts made or suits brought by a district, and all writings in which it is a party, require that the name of the district should be mentioned: *e. g.*, *school-district number four, town of Lincoln, Polk county*. When district officers are specifically empowered by law to act, their names may be mentioned.

**Lost records, how restored** — SECTION 417*a*. 1. Whenever the record of the formation or establishment of boundaries of any school district in this state shall be lost or destroyed, the town board of the town, trustees of the village, or common council of the city in which such district lies, shall have power to make a new record of the boundaries of such school district, by written order made and entered in the records of such town, village or city. Whenever the town board, trustees of the village, or common council of the city, shall contemplate making such new record, they shall give at least five days' notice in writing to the clerk of the district to be affected thereby, stating in such notice the time and the place, when and where they will be present to decide upon and make such new record, and such clerk shall immediately notify the other members of the board. In all cases where such new record shall be made the order constituting the same shall within three days be entered in the record of the proper town, village or city, and the clerk thereof shall within the same time file a copy of such order with the clerk of the school-district affected thereby. Any number of districts as to which the records are so lost or destroyed may be included in one order or notice. In case of the loss or destruction of the records pertaining to a joint school district, the clerk of the town, city or village shall procure and record a certified copy of the records of other towns, cities and villages relating to such joint district, or the common council of the city, trustees of the village, or town boards of the town in which such joint school district lies, may meet and act together in the making of any new record of the boundaries of such joint school-district. An order made pursuant to this section or the record thereof shall be presumptive evidence of the regularity of the proceedings prior to the making thereof, of the legality of the formation of the district affected, of the boundaries thereof, and of the loss or destruction of the record of the formation or establishment of the boundaries of such school district. Parties conceiving themselves aggrieved by



any decision made under the provisions of this act may appeal therefrom in the manner provided by section 497 of the revised statutes.

**Construction** — 2. This act shall be so construed as to apply to cases of losses or destruction of records which have heretofore occurred or may hereafter occur.

#### ALTERATION OF DISTRICTS.

**Notice, how given** — SECTION 418. Whenever the town board shall contemplate an alteration of the boundaries of a school-district, they shall give at least five days' notice in writing, to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where they will be present to decide upon such proposed alteration; and such clerk or clerks shall immediately notify the other members of the board; and no territory shall be detached from any district, unless it be by the same order attached to another; and any district may be dissolved by attaching all its territory to other districts. See Form No. 8.

Great care should be exercised in giving the preliminary notices, as town boards have no authority to alter the boundaries of school districts unless the required notices are given. There is no presumption that notices have been given, and a recital in the order of the board to the effect that they have been given is not *prima facie* evidence of the fact. Moreover, the district officers cannot waive notice.— 60 Wis., 395; 29 Wis., 419.

The returns of the persons serving the notices required by this section should bear the admission of service of the district clerks endorsed thereon, and these should be attached to the order changing the boundaries of districts, and should be filed with it in the office of the town clerk, so that evidence that the proper notices were given may be accessible at all times.

It will be noticed that the language of the statute is — "Whenever the town board shall *contemplate*," etc. This implies that town boards may act in the formation and alteration of the boundaries of school districts on their own motion, and without waiting for a petition. Town boards are, indeed, the guardians of school interests and ought to assume responsibility in these matters, whenever, in their own judgments, the best interests

of the schools demand it. When these boards act on petition, their action is not limited by the demands of the petitioners.

**Order to be filed — Consent of board — SECTION 419.** In all cases where an alteration of the boundaries of a school district shall be made, the town board shall, within three days thereafter, give notice thereof by filing a copy of the order so altering the same, with the town clerk and with the clerks of the districts affected by such alteration; and no alteration of any school-district made without the consent of a majority of the district boards, indorsed on such order shall take effect until three months after notice given as above specified, unless such alteration is made in compliance with the order of the state superintendent given in the decision of an appeal; nor shall any alteration of an organized district be made to take effect between the first day of December in any year, and the first day of April following. See Form No. 9.

Failure to file the order with the town clerk does not avoid the division; 11 Wis., 29; it should, however, be filed promptly, as the information is necessary for the guidance of the town clerk and of the districts clerks. It will be noticed that the order may be made to take effect immediately when the consent of a majority of the boards of the districts affected by it is endorsed thereon. Each district board acts as a unit, so that the consent of two boards where three districts are interested is sufficient to authorize the supervisors to give immediate effect to their order.

No action can be taken by the voters of a new district until the order forming the district takes effect; it follows that the notice for a first meeting should not antedate the time at which the order creating the district becomes effective.

**Alteration of joint districts by boards of two towns — SECTION 419a.** 1. Whenever an application in writing for an alteration in the boundaries of any joint school-district, signed by not less than one-third of the lawful voters residing in the district, or two-thirds of the lawful voters residing in any one of the districts to be affected by the proposed alteration, shall be presented to the chairman of supervisors of the town in which the schoolhouse of such joint district may be situated, such chairman shall thereupon fix a time for the joint meeting of the town boards of the towns in which such joint school-district may be situated, which time shall not be less than ten nor more

than twenty days after the day of the presentation to him of such application. He shall also cause a notice of the time and place of such meeting to be given to each supervisor entitled to be present thereat, which notice shall be served at least five days prior to the date fixed for such meeting. Such meeting shall be held at the schoolhouse in such joint district unless some other convenient place shall be designated in the notice therefor.

**Alteration, when not made — 2.** If the chairman of supervisors to whom such application shall be presented shall neglect or refuse to fix the time, or to give notice for the meeting of the town boards as provided in the first section of this act, or if the said supervisors or a majority thereof, of any town in which a part of said joint district may be situated, shall neglect or refuse to be present at such meeting; or, being present, shall neglect or refuse to hear and decide upon such application, the application shall be deemed denied, and an appeal may be had therefrom in the same manner and with the like effects as in other cases of denial.

**Application of other sections — 3.** The provisions of sections 418, 419, 422 and 497 of this chapter, shall, so far as may be applicable, apply to proceedings under this act.

This section provides a remedy, in the way of appeal to the state superintendent, where the officer whose duty it is to give notice of the time and place of meeting of supervisors for hearing and determining upon proposed alterations of joint school-districts, neglects or refuses to give such notice, and where supervisors neglect or refuse to attend such meeting when called. The act also specifies the preliminary steps to be taken by persons intending to make use of this remedy, by appeal, for neglect or refusal. Where there is no neglect or refusal to act there is no necessity for the petition of one-third of the legal voters in the joint district, or two-thirds of the lawful voters residing in any one of the districts to be affected by the proposed alteration, nor does this act prevent procedure under sections 418, 419, 420 and 422 of this chapter.

The manner of making appeals and the rules regulating them are given in the comments following section 497.

**Division of property—SECTION 420.** When a new district is formed, in whole or in part, from one or more districts possessed of a schoolhouse or entitled to other property, the town

Sec. 960

board, at the time of forming such new district, shall ascertain and determine the proportion of the value of the schoolhouse and other property, justly due to such new district, according to the taxable property of the respective parts of such former district, at the time of the division, by the best evidence within their reach, and such amount of any debt due from the former district which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

**How amount due new district collected** — SECTION 421. The town board shall certify to the district clerk of each district retaining a schoolhouse or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the next statement of taxes to be made by the district clerk to the town clerk, as required by section four hundred and seventy-two, and shall be collected and paid to the treasurer of the new district, to be applied toward providing a schoolhouse therefor; and the money so received shall be allowed to the credit of the taxable property, taken from the district paying the same, in reduction of any tax that may be imposed on said taxable property in the new district for the building of the schoolhouse; but in case the new district shall have raised a tax and provided a schoolhouse before such money shall have been received, the treasurer of the new district, who shall receive or have the amount so paid him or his predecessor, shall pay on demand each taxpayer the amount actually paid by him in schoolhouse taxes, in excess of the amount he would have paid, if the money had been received and credit given before such taxes were collected and the treasurer shall be liable therefor on his official bond. See Form No. 10.

When territory is merely transferred from one district to another, no claim will lie against the district yielding territory on account of property.

By "property" is meant lands, tenements, hereditaments, money, goods, chattels, things in action, and evidences of debt. The division of the share of the income of the school fund that may be due the district, is provided for, in a certain case, in section 538.

The appraisal and award should be made at the time of the formation of the new district but will be legal if necessarily delayed.

If the duty is wholly neglected by the supervisors, or, the

award being made by them, if the clerk of the old district neglects his duty, the remedy in either case is by *mandamus*.

No vote of the old district is required to raise the amount to which the new district becomes entitled under the action contemplated by section 421. This tax cannot be collected as a special district tax; it must be returned to the town clerk by the district clerk, as certified to him by the town board.

The duty of making an equitable division of the property of the district retaining the schoolhouse, here imposed upon the town board, is mandatory, and no argument or condition recited in the order for division of territory will relieve the board of this duty. An agreement to consent to the division of a district in consideration of the surrender of property rights by the new district is void. 63 Wis., 337; 81 Wis., 428; 87 Wis., 533.

Where a new district is formed out of an old one, the former is entitled to a *pro rata* share of the state appropriation for the current year. 14 Wis., 440.

In case the new district raises a tax for the purpose of building a schoolhouse before any money is received from any or all of the old districts out of whose territory the new district is formed, the treasurer of the new district, upon receiving the amount due from any of the old districts, shall pay the same to the tax-payers residing in the territory that formerly belonged to the district paying the money. The amount received shall be apportioned among the proper persons on the same basis that served for the collection of the tax.

**Districts partly in cities and villages**—SECTION 422. Whenever any school district shall lie partly in a city, or village incorporated by special act, and partly in an adjoining town or towns, the common council of such city or trustees of such village and the town boards of such towns may alter or extinguish the same in the manner in which any other joint school district may be altered or extinguished; but no new joint district shall be formed, which shall embrace any part of a city.

**Neglect to keep a school, effect of**—SECTION 423.—Whenever any school-district for two or more successive years neglects to maintain a public school as required by law, the town

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board of the town embracing the district shall attach the same to such other adjoining district or districts in the town as they shall judge proper; and if the district be a joint district, then the town boards of the several towns shall attach the respective parts thereof to other districts in their respective towns. This section shall not apply to any district which may provide for the instruction of its pupils in an adjoining or other district or districts, as provided in subdivision 15, section 430, of this chapter.

Section 418 allows the town board to extinguish a district by attaching its territory to other districts. This section requires them to do so whenever a district fails to maintain a school for two successive years. Failure to elect district officers does not of itself extinguish a district, as the organization may be restored in the manner prescribed by section 414.

**Property of former district**—SECTION 424. In every case where a district shall become dissolved by reason of the attachment of all its territory to some other district or districts, the town boards of the several towns embracing such district shall take charge of the property belonging to the same at the time of its dissolution, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property attached to each, as appears from the last tax rolls of the respective towns.

The supervisors of all the towns interested in the dissolution of a district must unite in the sale of its property, and in the execution of deeds of its real estate. They should require cash payments, and all conditions of sale should be mentioned in the posted notices. Unexpended and unappropriated money in the hands of the district treasurer, is "property," and is to be divided by the town board or boards.

Particular attention should be given by town boards of supervisors and trustees of villages to the matter of recording the proceedings which affect the formation and alteration of school districts.

## ANNUAL MEETING.

**Annual meeting, when held. Board to examine accounts** — SECTION 425. The annual meeting in all school districts in this state shall be held on the first Monday of July in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting. If the first Monday in July is a legal holiday, then such annual meeting shall be held on the day next succeeding the first Monday in July. It shall be the duty of the district board of each school district in this state to meet on the Saturday immediately preceding the first Monday of July in each year, and carefully examine the accounts of the treasurer, and make up a full and itemized report of all receipts and expenditures since the last annual meeting; the amount in the hands of the treasurer, or the amount of the deficit for which the district is liable, and the estimated sum which will be required to be raised by taxes for the support of the school for the ensuing year; and the amount required to pay the interest or principal of any loan due or to become due during such year; which report shall be submitted in writing at the annual meeting and recorded at length with the action of the meeting thereon, by the clerk, with the records of the proceedings of the annual meeting.

All annual school district meetings are held on the same day. When the first Monday in July is the fourth, and when the fourth of July occurs on Sunday, the annual meeting must be held on the Tuesday following.

The hour for holding an annual district meeting is 7 o'clock in the afternoon, unless a different hour was fixed by vote at the previous annual meeting. District officers have no power to call an annual meeting at any other hour than that which the law designates. 34 Iowa, 306.

**Notice, how given** — SECTION 426. The clerk shall give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which shall be affixed to the outer door of the schoolhouse, if there be one in the district; and he shall give like notices for every adjourned district meeting, when such meeting shall have been adjourned for more than one month, but no annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent. See Forms Nos. 11 and 12.

While it is the duty of the district clerk to notice an annual school district meeting according to the provisions of this section, and while he may be punished by fine for neglect or refusal to comply with the statute, the notice is not essential to the validity of the meeting. The statute and not the notice is the foundation of the meeting. 6 Hill, N. Y., 647.

By section 430*b*, district clerks are required to embody in the notice for an annual meeting, the fact that the question of a change of text-books will be submitted to the meeting. See comments on section 440.

**Special meeting** — SECTION 427. Special district meetings shall be called by the clerk, or, in his absence, by the director or treasurer, on the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting; and the electors when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except the election of officers, voting a tax to compensate the clerk, and authorizing a change in text-books. The business to be transacted at any special meeting shall be particularly specified in the notices calling the same, and said notices shall be posted six full days prior to the meeting. No tax or loan or debt shall be voted at a special meeting, unless three-fourths of the legal voters shall have been notified either personally or by a written notice left at their places of residence, stating the time, place, and objects of the meeting, and specifying the amount proposed to be voted, at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held.

It is the duty of the clerk to call special meetings whenever requested to do so by the required number of legal voters. The fact that the district clerk does not approve of the objects sought by those who request him to call a special meeting, is no cause for refusing to comply with the request.

"When public corporations or officers are authorized to perform an act for others, which benefits them, then the corporations or officers are bound to perform the act. The power is given them not for their own, but for the benefit of those in whose behalf they are called upon to act, and such is presumed to be the legislative intent. In such cases they have a claim *de jure* to the exercise of the power." 9 Wis., 285.



Any business that can be done at an annual meeting can be done at a special meeting, properly called, except the election of officers, voting a tax to compensate the clerk, and authorizing a change in text-books. The notice for a special meeting may be given by the director or treasurer in case of a vacancy in the office of clerk, or if that officer is absent or incapable of acting.

A special meeting may rescind any action taken at the annual meeting, if proper notice has been given; but if rights have been acquired, by third parties, under previous action, those rights cannot be set aside by the vote of the district. This includes the rights of persons elected to a district office.

"Six full days" requires the notice to be given as early as on the seventh day before the time designated.

The personal notice required by this section to be given to three-fourths of the electors of the district in all cases where it is the purpose of the special meeting to vote a tax, loan or debt, should include women, on whom the right of suffrage in elections "pertaining to school matters," is conferred by section 428*a*.

Care should be taken in naming the amount to be raised at a special meeting to specify a sum equal to or greater than that needed. It is competent for a special meeting to raise a less, but not competent for it to raise a greater sum than that mentioned in the notice.

All laws relating to levying taxes are construed strictly, and the requirement that notices for special meetings whose purpose is to raise money shall specify the amount to be raised is mandatory.

**Who may vote**—SECTION 428. Every person shall be entitled to vote in any school district meeting, who is qualified to vote at a general election for state and county officers, and who is a resident of such school district.

The qualifications of voters at a general election are declared by section 12, of the revised statutes, to be as follows:

SECTION 12. Every male person of the age of twenty-one years, or upward, belonging to either of the following classes, who

shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

3. Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe.

Every person convicted of bribery shall be excluded from the right of suffrage, unless restored to civil rights; and no person who shall have made or become directly or indirectly interested in any bet or wager, depending upon the result of any election, at which he shall offer to vote, shall be permitted to vote at such election.

**Women may vote**—SECTION 428*a*. Every woman who is a citizen of this state, of the age of twenty-one years or upwards, (except paupers, persons under guardianship, and persons otherwise excluded by section 2, of article 3, of the constitution of Wisconsin), who has resided within the state one year, and in the election district where she offers to vote, ten days next preceding any election pertaining to school matters, shall have a right to vote at such election.

This section does not confer upon women the unlimited right of suffrage, but it does confer upon them the right to vote upon any and all questions that can be legally considered at any regularly called annual or special school district meeting. The words "any election pertaining to school matters" renders the limitation to the privilege conferred by the section manifest. 71 Wis., 239, 251; 75 Wis., 543.

The rules for determining the residence of electors are laid down in section 37 of the revised statutes, and are printed here for convenience.

SECTION 37. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspector shall admonish him of such rules and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

*First.* As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his

absence on business of the United States, or of this state; and no soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

*Second.* That place shall be considered and held to be the residence of a person, in which his habitation is fixed without any present intention of removing therefrom and to which, whenever he is absent, he has the intention of returning.

*Third.* A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town, or ward of this state, for temporary purposes merely, with an intention of returning.

*Fourth.* A person shall not be considered to have gained a residence in any town, ward or village, of this state into which he shall have come for temporary purposes merely.

*Fifth.* If a person remove to another state with an intention of making it his permanent residence, he shall be considered and held to have lost his residence in this state.

*Sixth.* If a person remove to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

*Seventh.* The place where a married man's family resides shall generally be considered and held to be his residence, but if it is a place of temporary establishment for his family or for transient objects, it shall be otherwise.

*Eighth.* If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence.

*Ninth.* The mere intention to acquire a new residence without the fact of removal, shall avail nothing; neither shall the fact of removal without intention.

*Tenth.* If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

*Eleventh.* No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward, or village as a pauper supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village, by remaining in any other town, ward, or village as such pauper.

## CHALLENGING VOTES.

**Proceedings on challenge**—SECTION 429. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that you are an actual resident of this school-district, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting; and if the person shall refuse to take such oath or affirmation, his vote shall be rejected.

Section 36 of the revised statutes prescribes certain questions which may be asked by inspectors of elections of persons whose votes are challenged. Four classes of these questions are given, as those which will most frequently aid in determining the qualifications of a voter, though the chairman of a district meeting cannot, like an inspector of elections, require the person challenged to answer the questions under oath.

SECTION 36. If a person offering to vote is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election;" and shall thereupon put questions as follows:

*First.* If the person shall be challenged as unqualified, on the ground that he is not a citizen and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States?
3. When and where did you declare your intention to become a citizen of the United States?

*Second.* If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then —

3. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. What state or territory did you regard as your home while absent?

5. Did you, while absent, vote in in any other state or territory?

*Third.* If the person be challenged as unqualified on the ground that he is not a resident of the county, town or ward where he offers his vote, the inspectors or one of them, shall put the following questions:

1. When did you last come into this county, town or ward?

2. Did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county for the purpose of voting in this county?

4. Are you now an actual resident of this county or ward, and what is the particular description, name, and location of your place of residence?

*Fourth.* If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the inspectors, or one of them, shall put the following question:

Are you twenty-one years of age, to the best of your knowledge and belief?

The ordinary grounds upon which a person offering to vote at a district meeting may be disqualified, are:

1. That he is not a citizen of the United States, and has not duly declared his intention to become one.

2. That he has not resided in the state one year immediately previous.

3. That he is not a resident of the district.

4. That he is not twenty-one years of age.

The chairman of a district meeting is not required by law to put any of the foregoing questions to a person whose vote is challenged, on any of these grounds; but it will not be improper for him to do so, according to the circumstances of the case, for the information of the electors present.

The chairman of a district meeting has no right, under the statute, to prohibit from voting any person who takes the oath required by the law; but proceedings of a district meeting may

be set aside by order of a court, or by decision of the state superintendent on appeal, when the result has been determined by illegal votes.

#### POWERS OF ELECTORS.

**Powers of electors** — SECTION 430. The inhabitants of any school-district qualified by law to vote at a school-district meeting, when assembled at the first and at each annual meeting in their district, or at any adjournment thereof in their district, shall have power:

**To appoint officers** — 1. To appoint a chairman for the time being, and, in the absence of the clerk, to appoint some person to act in his stead, and the person so appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district, and file and preserve the certificate of such temporary clerk.

**To adjourn** — 2. To adjourn from time to time as occasion may require.

**To choose officers** — 3. To choose a director, treasurer and clerk. The election of all officers shall be by ballot, and a majority of all the votes cast shall be necessary for a choice.

**Schoolhouse site** — 4. To designate a site for a district schoolhouse.

**To vote tax, etc.** — 5. To vote such tax as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, to build, hire or purchase a schoolhouse, and to keep in repair and furnish the same with the necessary fuel and appendages; provided, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring or purchasing a school house of more than six hundred dollars in any one year, unless the town board of the town in which such school house is to be situated shall certify, in writing, that in their opinion a larger sum should be raised, specifying such sum; in which case an amount not exceeding the sum specified may be raised; provided, further, that no district containing a population of less than one thousand inhabitants may have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the town board shall certify as above set forth.

**Tax for teacher's wages, etc.** — 6. To vote such tax as the meeting shall deem proper for the payment of teachers'

wages in the district; provided, that for such purposes, in all school districts having an average attendance at school for the year, of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year; in all school districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year; and in all school districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year.

**Sale of district property—7.** To authorize and direct the sale of any schoolhouse, site, or other property belonging to the district, when the same shall be no longer needed for the use of the district.

**Tax to pay debt—8.** To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

**To buy maps, etc.—9.** To vote a tax not exceeding seventy-five dollars in any one year for the purchase of maps, blackboards and school apparatus.

**Tax for library—10.** To vote a tax not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent; provided, that any school district having less than two hundred children of school age, shall not vote a tax exceeding fifty dollars in any one year, for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section and for the payment of the principal and interest of any loan due the state.

**To borrow money—11.** To authorize the district board to borrow money as provided elsewhere in these statutes.

**To admit pupils—12.** To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

**To buy books, etc.—13.** To authorize the district board to purchase text-books for use in the public schools, to be loaned or furnished pupils under such conditions as, by such

vote and regulations of the board thereunder, may be prescribed.

**Time of school, teacher, etc.—14.** To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than six months; and whether such school shall be taught by a male or female teacher or both, and whether the school money to which the district is entitled from the school fund income, and from the town, shall be applied to the support of the summer or winter school or a certain portion to each, but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

**To provide for instruction in another district, etc.—15.** To authorize the district board to suspend the district school for such length of time as they may deem expedient and to the best advantage of the district and pupils residing therein, and to arrange with any adjoining or other district or districts for the instruction of persons of school age residing in the district during the time when the school may be suspended, and to provide for the transportation of pupils residing more than one and a half miles by the nearest traveled road from the schoolhouse of the district with which such an arrangement may be made, and to include in the tax voted at the annual meeting the amount of the expense incurred in providing for the transportation and tuition of children in an adjoining or other district or districts.

**Transportation of pupils —16.** To vote a tax for the purpose of providing for the free transportation of all children residing in the district who live more than one and a half miles, by the nearest traveled road, from the schoolhouse of such district.

**As to suits —17.** To give such direction and make such provision as may be necessary, in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.

**Pay of clerk —18.** At the annual meeting only, to vote a tax to compensate the clerk, which, in districts supporting graded and high schools, shall be such sum as may be voted, and in other districts not more than ten nor less than five dollars.

**To alter proceedings —19.** To alter or modify the proceedings, as occasion may require.

**Taxes, limitation of —SECTION 430a.** The total amount of school district tax, hereafter levied in any school district in this state, in any one year, for building, hiring, or purchasing any school building, and for the maintenance of schools, includ-



ing teachers' wages and incidental expenses, shall not exceed five per cent. of the total assessed valuation of taxable property in such school district for the current year.

**Free text-books, proposition for, to be voted on** — SECTION 430b. At the annual meeting of every school district in the state, the question of providing free text-books for the use of all pupils attending the public schools in the district and levying a tax sufficient to meet the expense of furnishing free text-books for the use of such pupils, shall be submitted to the legal voters present at such meeting, and a vote taken thereon. The chairman of each meeting shall direct the vote to be taken before entertaining a motion to adjourn the meeting *sine die*, and upon demand of any five legal voters present, the vote shall be taken by ballot if a written resolution upon the question is submitted, and the ballot of those favoring the resolution submitted shall have thereon the word "yes," and the ballot of those opposed to the resolution submitted shall have thereon the word "no."

This statute was designed to supplement clause 13 of section 430.

Section 430 defines the powers of a district when assembled in the manner for which the law provides, and its several clauses are here repeated with such comments as seem to be necessary.

The inhabitants of any school district qualified by law to vote at a school district meeting, when assembled at the first and at each annual meeting in their district, or at any adjournment thereof in their district, shall have power:

1. To appoint a chairman for the time being, and in the absence of the clerk, to appoint some person to act in his stead, and the person appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district, and file and preserve the certificate of such temporary clerk.

When the inhabitants of a district are assembled at any regularly called meeting, it is competent for any elector to call the meeting to order, to nominate, or to ask some one to nominate a chairman, and to put the question and declare the result. If the director of the district be present, it is proper for him to do this. If the district clerk be not present the chairman will announce the fact, and ask that a clerk be appointed *pro tempore*. The meeting will be governed by the common rules of delibera-

tive assemblies. The chairman should be an elector, and so entitled to vote on all questions.

2. To adjourn from time to time as occasion may require.

The statute—section 426—provides that when an annual meeting is adjourned for more than one month, notice shall be given of the time and place of holding such meeting in the same manner that notice of the original meeting was given.

3. To choose a director, treasurer and clerk.

Before the meeting proceeds to elect officers, the minutes of the last annual meeting should be read, and those of such special meetings as have been held during the year. The reports of district officers should also be presented, and referred to a committee for examination, with instructions to report at some later stage of proceedings. The reports should be in writing, and should be carefully examined by the committee, or by the meeting, if convenient. All school officers should be held to a strict accountability for the faithful performance of their duties, and the financial statements submitted should be accompanied with vouchers for all moneys expended. Reports of officers should be spread upon the records, as papers that are merely filed are often lost.

If a vacancy exists at an annual meeting from any other cause than the expiration of the incumbent's term, it is advisable that a resolution be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring, the officer elected will be deemed an officer *de facto*, and his acts in relation to the public and third persons deemed valid, until his election is pronounced void by competent authority.

If a mistake is made in stating the length of an unexpired term, the person elected will nevertheless serve to the end of

the term, and no longer, as this matter is regulated by law, and not by the vote of the district.

The election of all school district officers must be by ballot, and a majority of all the votes cast is essential to a choice.

District officers may be elected at an adjourned annual meeting, if such meeting be held within ten days after the time fixed by law for holding the annual meeting. A school district officer elected at an annual meeting cannot be displaced at an adjourned annual meeting.

4. To designate a site for a district schoolhouse.

The vote of a district at an annual meeting, or at a special meeting called for that purpose, is necessary to establish a site. The district cannot delegate this power to the board or to a committee appointed for that purpose; although either may be authorized to examine the situation, price and title of a proposed site.

Every schoolhouse site should contain at least one acre of land; should be described by the government survey; should be easily accessible to all parts of the district. A dry, sheltered spot, so high that surface water will flow from, and not toward it should be chosen. A schoolhouse should never be placed on low or marshy ground, near a stagnant pool, or in the midst of distracting or unhealthful surroundings.

5. To vote such tax as the meeting shall deem sufficient, to purchase or lease a suitable site for a schoolhouse, to build, hire or purchase a schoolhouse, and to keep in repair and furnish the same with the necessary fuel and appendages, provided, that no district containing a population of less than two hundred and fifty inhabitants shall have the power to levy and collect a tax for building hiring or purchasing a schoolhouse of more than six hundred dollars in any one year, unless the town board of the town in which such schoolhouse is to be situated shall certify, in writing, that in their opinion a larger sum should be raised, specifying such sum; in which case an amount not exceeding the sum specified may be raised; provided, further, that no district containing a population of less than one thousand inhabitants, shall have power to raise and collect in any one year, for the purposes above specified, more than one

thousand dollars, unless the town board shall certify as above set forth.

It is quite proper, but not necessary, to designate a site before voting a tax to build the schoolhouse; neither is it necessary that the site should be designated before levying a tax to pay for the same. If the tax deemed sufficient is afterwards found to be too small, an additional tax may be voted; and, if too much is raised, the electors may appropriate the same to any object for which they can legally raise a tax. The expense of investigating the title and of recording the deed may legally be included in the tax for a site. Although the law authorizes the leasing of a site, it does not permit the district to contract a permanent debt for future rent. Land for a site is sometimes held under a lease granting it for a consideration, paid in advance, for so long a time as the same may be used for the purpose of a public school. It is always advisable that the district should own the site.

Sections 477-484 prescribe the course to be pursued when, for any reason, the district is unable to obtain the site that has been chosen according to law.

Where a schoolhouse is erected upon leased ground, the district may remove the same at any time previous to the expiration of the lease. (7 Barb; N. Y. R., 266.) 10 Barb-500. 57 Barb-200

A clear title to a school house site ought always to be secured, and where land chosen for this purpose is a part of a mortgaged tract, a release should be obtained, if possible, before erecting a schoolhouse thereon.

Although a tax may be levied before a title has been acquired, yet the district board should not part with the money before a conveyance of the site has been made.

The question sometimes arises as to the legality of connecting the schoolhouse with other buildings made for different purposes, and under other control than that of the district board. This department has held that a tax cannot be voted for building a house for joint use as an academy and schoolhouse, or a church and a schoolhouse, and that any partnership which

does not secure to the district board the complete control of the house for school purposes is illegal.

A district meeting may vote a tax for a fence, sidewalks, separate privies for the two sexes, wood-house, stoves, stove-pipe, and bell, as these are held to be necessary appendages.

Money may also be raised to pay for the insurance of the schoolhouse. The schoolhouse can now be insured in those companies that require a note for part of the premium. All taxes voted must be for specific and legal objects, and the specific amount raised for each of the several objects for which the tax is levied, should be stated in the resolution passed by the meeting, in order that the district and the board may know the precise extent of their liability and authority.

A district has power to vote a tax to enlarge a schoolhouse, notwithstanding it may have cost all that said district is by law authorized to raise in any one year, and the tax for such enlargement does not require the consent of the town supervisors thereto. The amount received from the sale of the old schoolhouse may be added to the amount authorized by law to be raised for building in any one year, and expended for the new building.

6. To vote such tax as the meeting shall deem proper for the payment of teachers' wages in the district; provided, that for such purposes in all school districts having an average attendance at school, for the year, of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year; in all school districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year; and in all school districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year.

The constitution provides that the income of the school fund shall be applied to the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor; while section 558 provides that the money received by each district from the income of the

school fund shall be devoted exclusively to the payment of teachers' wages. Whether these apparently conflicting provisions can be reconciled or not, it is certain that the legislature here requires that districts shall pay each year, for teachers' wages, an amount equal to that received from the income of the school fund. The limitations of this section apply to the amount that may be raised for this purpose by taxation, exclusive of the amount received from the school fund income.

7. To authorize and direct the sale of any school house site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

The district should determine the conditions of the sale for which this section provides, if it desires to control the contract which its board is alone competent to make.

8. To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

By sections 435 and 436, district boards are empowered and required to do many things that may impose a debt upon the district.

9. To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards and school apparatus.

Outline maps, reading charts, globes and blackboards add greatly to the efficiency of schools. Boards should be guided in the purchase of school appliances by the judgment of competent teachers, and that of disinterested persons who have some acquaintance with the teacher's needs.

10. To vote a tax, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board at a district meeting to purchase; said books to be selected under the advice of the state superintendent; provided, that any school district having less than two hundred children of school age, shall not vote a tax exceeding fifty dollars in any one year, for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more

than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section, and for the payment of the principal and interest of any loan due the state.

Comments on the legislation relating to township and district libraries will be found under sections 485-486a.

11. To authorize the district board to borrow money as provided elsewhere in these statutes.

Sections 474 and 475 prescribe the manner in which, and define the purposes for which a school-district may borrow money.

12. To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter, or year, to be charged to the persons thus admitted.

By this clause the district is empowered to determine whether the persons named shall be admitted to the privileges of the school. Where the district fails to instruct the board in this matter, the board shall determine the fact and the rule under the general powers conferred upon district officers by the statutes.

It is sometimes difficult for district boards to determine the liability of inhabitants for the tuition of persons in their employment or under their protection. The general rule is that a minor's residence is with his parents or parent while they or either of them is alive and maintains a home. An orphan without a guardian takes his residence with him. While it is not right to allow non-residents and persons over twenty to overcrowd and so impair the efficiency of the school, it is well to remember that the constant purpose of the state in the establishment and maintenance of public schools is to disseminate as widely as possible the advantages of a common school education.

That provision of the state constitution which requires that "such schools shall be free and without charge for tuition to all

children between the ages of four and twenty years," implies that every child of school age is entitled to free tuition somewhere. This manifest purpose of the state to extend the advantages of a common school education to all children within her borders, should lead school-districts to exercise the authority to charge or to remit tuition with which the law vests them in a spirit of liberality toward those children that are compelled by parental neglect to seek the equipment that the schools furnish beyond the limits of the home district.

The supreme court of the state—74 Wis., page 48—laid down the rule that a child is entitled to free tuition in a district in which he is residing for other, as a main purpose, than to participate in the advantages which the school affords. It will be seen that the decision guards carefully against that interpretation of the law which would require districts to furnish tuition to those pupils who are in the district for the purpose of availing themselves of its superior school advantages. See also 59 Conn., 489.

The district board has no authority to admit non-resident children into the school contrary to the vote of the district, nor has it authority to exclude them after the district has voted to admit them. It is the duty of the board, in this matter, to carry into effect the instructions of the district.

It will be seen that the board has power under section 439 to admit persons between twenty and thirty years of age to the schools in certain cases. This power is commented upon in the proper place.

The teacher has no authority in the matter of admitting or excluding non-residents, but will be governed by the instructions of the board.

13. To authorize the district board to purchase text-books for use in public schools, to be loaned or furnished pupils under such conditions as, by such vote and regulations of the board thereunder may prescribe.

Section 440 requires school district boards to determine what books shall be used in their respective districts, and section 430b



provides that the question of furnishing free text-books shall be submitted to every annual school-district meeting. It will be seen that while the board has power to adopt, it has no power to purchase text-books, unless authorized to do so by the district at its annual meeting. Books that have been adopted must be retained for three years; but boards cannot bind their districts to purchase these books at a fixed rate, or of a given house for more than one year. 16 Wis., 336.

14. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than six months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the school fund income, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

The number of days during which a school must be taught, to meet the requirements of the law in regard to the apportionment of school money, is one hundred and twenty, and this number includes legal holidays, viz.: New Year's day, the twenty-second of February, the thirtieth day of May (Memorial day), the Fourth of July, the day of general (or fall) election, and Christmas, together with days of fasting or thanksgiving appointed by state or national authority.

In order that holidays may be legally counted as part of the term, they must occur during the time school is in session, and not during any vacation period.

If the matters mentioned in this clause are not determined at the annual meeting, the district board must determine them; but it is competent for the district at a special meeting to decide as to the length of the term of school, and the sex of the teacher.

It should be borne in mind that a district, at a special meeting, cannot rescind a resolution passed at an annual meeting or set aside the action of a district board when rights have been acquired by virtue of such resolution or such action.

9.

15. To authorize the district board to suspend the district-school for such length of time as they may deem expedient and to the best advantage of the district and pupils residing therein, and to arrange with any adjoining or other district or districts for the instruction of persons of school age residing in the district during the time when the school may be suspended, and to provide for the transportation of pupils residing more than one and a half miles by the nearest traveled road from the schoolhouse of the district with which such an arrangement may be made, and to include in the tax voted at the annual meeting the amount of the expense incurred in providing for the transportation and tuition of children in an adjoining or other district, or districts.

16. To vote a tax for the purpose of providing for the free transportation of all children residing in the district who live more than one and a half miles, by the nearest traveled road, from the schoolhouse of such district.

**Powers of electors** — 17. To give such direction and make such provision as may be necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.

The district may appoint any suitable person to represent it in a suit; but in the absence of such appointment, the director is constituted the representative of the district in all suits. See section 442 and the comment thereon.

18. At the annual meeting only, to vote a tax to compensate the clerk, which, in districts supporting graded and high schools, shall be such sum as may be voted, and in other districts not more than ten nor less than five dollars.

It will be noticed that the clerk is entitled to the compensation specified in this section, only when it has been voted at the previous annual meeting of the district. Whenever an annual meeting refuses to grant compensation to the clerk, or fails to vote on the question, he, like the other district officers, must serve without pay.

19. To alter, repeal and modify their proceedings as occasion may require.

The power to repeal proceedings cannot be exercised after they have been carried into effect, so that rights have been acquired under them. When the district board has made a con-

tract under authority of the district, the repeal of the resolution authorizing such contract will not abrogate the contract.

A district can repeal a resolution to raise a tax, at any time before the warrant to collect the tax is handed to the collector; but this power cannot be exercised after part of the tax has been collected (*Gale vs. Mead*, 4 Hill; *Smith vs. Dillingham*, 4 Barbour). When it is thought advisable to repeal a resolution it should be done in express terms and not by implication.

Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at an adjourned meeting. When an election has been held in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve, or removal from office, a vacancy occurs proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him or to debar him from assuming its duties.

DISTRICT OFFICERS AND BOARD.

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**Their terms—Acceptance—**SECTION 431. The officers of each school-district shall be a director, treasurer and clerk, who shall be residents of the district, and shall hold their respective offices for three years, and until their successors have been chosen or appointed, but not beyond ten days, beyond the expiration of their term of office, without being again elected or appointed; *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years and the director for three years; and thereafter, each officer shall be chosen for three years. Any person present at a school-district meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof; and any person so elected and not present, shall be notified thereof by the clerk of said meeting within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same. See Form No. 16.

In reckoning the terms of district officers, the time from the first meeting of a legally organized district to the first annual meeting, no matter how short that may be, *is to be considered a year*, because all subsequent elections must take place at the annual meetings of the district; hence, at the first annual meeting after its organization the district will elect a clerk, at the second, a treasurer, and at the third, a director, each for a term of three years. Ordinarily, but one district officer will be elected at an annual meeting, but it will sometimes be necessary to fill the unexpired terms of those who have vacated their offices.

Section 443 restricts districts in their choice of treasurers; and provides that they shall hold their offices until their suc-

cessors are elected or appointed, and qualified by filing the required bonds.

Section 513 makes women twenty-one years of age eligible as school district officers. Persons that have declared their intention to become citizens are eligible to district offices. The supreme court in 14 Wis., 539, held that,—

“As to all such governments it is an acknowledged principle, which lies at the very foundation, and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that is to be administered and its powers and functions exercised only by them and through their agency.”

The doctrine laid down in this decision applies to women as well as to men. A married woman's legal status is determined by that of her husband.

In *Nevil v. Clifford*, 63 Wis., 435, the court held that:

1. The school board has the power to build a schoolhouse out of funds provided by the district for that purpose, but has no power to build, or cause to be built, a schoolhouse, and then make the cost of the building a charge against the district.

2. The voters at a school-district meeting cannot authorize the school board to contract a debt on behalf of the district, or to levy a tax, in an amount beyond the limit of their own powers in that behalf.

3. Nor can a school-district ratify a contract or acts of the school board, which it would have no power to authorize in the first instance.

4. A school-district though containing less than 250 inhabitants may borrow a sum exceeding \$600 for the purpose of building a schoolhouse, if the money is borrowed on such terms that it will not be necessary, in order to repay it, to levy a tax exceeding \$600 in any one year. Subd. 11, sec. 430, and secs. 475, 476, R. S.

**District board — Meetings** — SECTION 432. The director, treasurer and clerk shall constitute the district board. Meetings of the board may be called by any two members thereof by

serving on the other member a written notice of the time and place of such meeting, at least twenty-four hours before such meeting is to take place. No act authorized to be done by the district board shall be valid, unless voted at a meeting of the board. No formal notice of a meeting shall be required, where all members are present and consent to consider matters relating to the district, but the clerk shall make a record of all determinations of the board at all meetings thereof.

The decision of a majority at a meeting properly convened, is the decision of the board, but the decision of a majority, or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members, and is no more the *decision* of the board than the concurrent opinion of the members of the legislature, arrived at by taking their separate votes at their respective homes, would be an act of the legislature. 37 Wis., 54; 519 Wis., 518.

It was held in 16 Maine R., 185, that the dismissal of a teacher by two, a majority of the board, was illegal, because the third was not notified, although he was out of town. The court say, "That does not allow the majority to dispense with the rule requiring notice. They are not in such cases constituted the judges whether the notice would be effectual to secure his attendance. Nor would it be entirely safe to entrust them with such a power, as it would afford an opportunity to select an occasion when they might judge that a notice would be ineffectual, and thus, by neglecting to give it, free themselves from the presence of a dissenting minority. It may often happen that those will be able to attend, who were believed to be so situated that their attendance could not be expected. Nor is there any difficulty in giving the requisite notice in such cases, as one left at the usual place of residence would be sufficient."

A single member of the board may be authorized to carry out a vote or determination of the board, such as making a purchase, engaging work to be done, etc.

**Vacancies, how filled**—SECTION 433. 1. The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy

shall occur; and if such vacancy shall not be filled within ten days as aforesaid, by said board, the town or village clerk shall fill such vacancy by appointment. In case a vacancy shall occur in a joint district and shall not be filled by the district board, the clerk of the town or village in which the school house is situated shall fill such vacancy. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve; and any person appointed to fill a vacancy shall hold the office until the annual meeting succeeding such appointment, at which the electors shall fill such vacancy for the unexpired term. See Forms 17, 18 19.

Section 962, of chapter 42, of the revised statutes, as amended by chapter 361, laws of 1889, declares when offices become vacant. That section is here inserted:

SECTION 962. Every office shall become vacant on the happening of either of the following events:

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of this state; or if the office be local, his ceasing to be an inhabitant of the district, county, town, city or village by or for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged.
5. His conviction of any infamous crime, or of any offense involving violation of his official oath.
6. The decision of a competent tribunal declaring void his election or appointment, or adjudging him insane.
7. The neglect or refusal of any person elected or appointed or re-elected or re-appointed to any office, to give or renew his official bond, or to deposit the same in the manner and within the time prescribed by law.
8. The neglect or refusal of any officer in office to execute and file an additional bond, when lawfully required, in the manner and within the time so required or prescribed by law.
9. The death or declination in writing, of any person elected or appointed to fill a vacancy, or for a full term, before he qualifies, or his death or such declination before the time when, by law, he should enter upon the duties of his office, to which he was elected or appointed.
10. On the happening of any other event which is declared by any special provision of law to create a vacancy.

This amendment introduces into the original law authority

for the village clerk to appoint members of district boards, or members of boards of joint districts, in all cases where the members of the boards themselves fail to fill a vacancy in their own number.

This power of appointment by the village clerk does not extend beyond the limits of the district in which an organized village is located.

By this section it is made the duty of the town clerk to fill a vacancy in a district board when he is officially informed of its existence; but his function is administrative, not judicial, and does not clothe him with authority to inquire into the validity of an officer's election or appointment, or to declare an office vacant.

Wilful and unjust refusal to approve the bond of a person elected or appointed to an office, cannot deprive such person of his office or create a vacancy therein. The sufficiency of the treasurer's bond must be determined by the director and clerk, but they are bound to exercise a sound discretion and may not use this power to defeat the will of the district.

"When a vacancy in the board of a joint school-district has not been filled by the board itself within ten days, if the school-house of the district is situated in a city, the city clerk may fill the vacancy by appointment.

"The wilful and unjust refusal of the officer required to approve the official bond of a person elected or appointed to an office, to give it his approval, cannot deprive such person of his office or create a vacancy therein.

"If the failure of a person appointed to an office to file his official bond within the time prescribed was due to no neglect or default on his part (as where the officer required to approve such bond withheld his approval on the ground that the appointment was invalid), such appointee may, after judgment in his favor in an action to oust an usurper from the office, file his bond and do any other act necessary to entitle him to discharge the duties of the office." See section 3471, R. S.; 65th Wis., 510.



The word "town" may be construed to include all cities, wards, or districts, unless such construction would be repugnant to the provisions of any act specially relating to the same. Subd. 17, sec. 4971, R. S.

The power of a district board to fill a vacancy continues but ten days; if they do not fill it in that time, the duty devolves upon the town clerk. But neither the board nor the town clerk is authorized to act judicially, and set aside an election, where an officer is deemed to have been elected illegally. Such person having been declared elected, and having entered upon the office, will be held to be an officer *de facto* until the illegality of his election is determined by competent authority.

In other cases the board or the town or village clerk, before making an appointment, must of necessity decide in view of the facts that a vacancy exists, and in the order making the appointment, the facts which have caused the vacancy should be stated.

In case of expiration of a term of service, and no election to fill the vacancy, it is to be understood that the term does not actually expire until ten days after the annual meeting. The board then has power, for ten days, to fill the vacancy; and the town clerk has therefore no power to fill it until twenty days after the annual meeting.

In case of a single vacancy in the district board, those in office possess all the powers of a full board for the purpose of filling such vacancy, but if two vacancies exist at the same time, the remaining member cannot fill them. It must be done by the town clerk.

A person should not be re-appointed who refuses to serve, or whose resignation has been accepted. The statute regards the penalty for refusing to serve as an equivalent for the service. (See section 500.)

It will be noted that in case of vacancy in a joint district, necessary to be filled by the town clerk, it is to be done by the clerk of the town in which the schoolhouse is situated.

In case of appointment, the term of office of the appointee

expires at the next annual meeting, and if a successor is not then elected, the incumbent cannot hold the office more than ten days after the annual meeting. It then becomes the duty of the board to fill such vacancy, and if they neglect to fill it, this duty devolves on the town clerk.

**Office, when vacant**—SECTION 433a. When any school-district officer, either clerk, director or treasurer, shall be and remain absent from the district for which he was elected for a period exceeding sixty days, the office shall be deemed vacant by reason of such absence, and the remainder of the board shall have the power to appoint a successor, or in their failure so to do the town clerk shall have the same power to fill the vacancy in said school-district office as provided by section 433 of this chapter.

**Purchase and sale of schoolhouse**—SECTION 434. The district board, in their corporate name, shall purchase or lease such a site for a schoolhouse as shall have been designated by the district, and shall build, hire or purchase a schoolhouse out of the funds provided for that purpose, and when required make sale of any schoolhouse, site or other property belonging to the district, and if necessary, execute a conveyance of the same, in their name of office, when lawfully directed by the qualified electors of such district, at any annual or special meeting.

A school-district is a corporate body, and as such has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body wholly distinct from the individuals who from time to time compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a schoolhouse, or to build, hire or purchase a schoolhouse, or to sell any schoolhouse, site or other property, belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a schoolhouse. Although the law contemplates no such committee, there may be no serious objection to it, if it can aid the board by its advice and service in carrying out the wishes of the people. But the district board alone has power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee, or any other agents.

A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, should be made.

The inhabitants of a district, assembled in district meeting, should give plain and specific instructions to the district board in regard to the matters referred to in this section. All votes relating to purchase or sale of a site, schoolhouse, or other district property, should be taken by yeas and nays, and all proceedings should be entered at length upon the record book of the district.

### **Care of building, etc. — Inventory — Use of schoolhouse**

—SECTION 435. The district board shall have the care and keeping of the schoolhouse, books, apparatus, and all other property whatsoever belonging to the district, except that especially confided by law to the clerk, and they shall annually make an inventory thereof before each annual district meeting, and deposit the same with the clerk of the district; they shall keep the schoolhouse in good condition and repair, and provide all necessary appendages during the time a school shall be taught therein. They may grant leave to any responsible inhabitant or inhabitants of the district applying therefor, to occupy the schoolhouse for such public meetings as will, in the judgment of the board, aid in disseminating intelligence and good morals; any such licensee, and if the schoolhouse be so occupied without there being such responsible licensee answerable, then the district board shall be personally liable to the district for any injury done to any property and for any expense whatever incurred by, at, or in consequence of any such use of the schoolhouse.

The books and records of the district are by law committed to the care of the clerk. The board has exclusive control of all other property belonging to the district.

It is the duty of the board to provide the necessary appendages for the schoolhouse, without waiting for instructions from the people of the district. They are also required to keep the schoolhouse in good condition and repair during the time a school shall be taught therein. This duty should be promptly and efficiently performed. Under this section, the board has power to cause to be built suitable out-houses, and to provide

blackboards, and other things necessary to the successful management of the school.

It may be wise for district officers to be guided by the expressed wish of the district concerning matters which this section commits to their care; but no vote of the electors of a district can divest its officers of the authority or relieve them of the responsibility with which the statute clothes them.

In the exercise of the discretion confided to the board under this section, it should distinguish between things necessary and things unnecessary, though perhaps desirable. A stove is a necessity; an organ is not.

**Boards may purchase maps, books, etc.**—SECTION 436. The said board shall have power to purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the district meetings, and the account of the treasurer, and for doing the business of the district in an orderly manner, and such maps, charts, globes and school apparatus as have been or may be approved as suitable for use of the schools, by the state superintendent or by the county superintendent of the county, not exceeding seventy-five dollars in value in any one year, and such school books as in their judgment may be necessary for the use of any children attending in their district, whose parents and guardians may not be able to furnish the same. All such purchases shall be approved at a regular meeting of said board, at which all the members thereof shall be present. The district board shall keep an accurate account of all expenses incurred by them under the provisions of this section, and present an itemized statement of the purchases to the annual school-district meeting.

The apparatus most likely to be useful in the public schools will include reading charts, writing spellers, writing charts, drawing books, numeral frames, cube root blocks, geometrical forms, outline maps, charts illustrating natural history, physiology and natural science, including color charts, blackboards, clock, call bell, thermometer, microscope and magnet.

It is worth while to emphasize that provision of the section which requires that, "*All such purchases shall be approved at a regular meeting of said board, at which all the members thereof shall be present.*" *No contract made in violation or neglect of this plain requirement will bind the district.*

It will be noticed that boards are restricted to the purchase of such apparatus as has been approved by the state or county superintendent, and boards will often find the advice of disinterested school men a safer guide than their own unaided judgments.

**Flags shall be purchased** — SECTION 436*a*. The school board of each city and school-district in the state is hereby directed and required to purchase at the expense of such city or school-district one or more flags of the United States and place and keep one of them in each school room or display from flagstaff on the schoolhouse or from flagstaff on the school grounds in said city or school-district, and also in like manner to purchase such necessary apparatus or appliances as may be necessary for properly preserving such flag or flags.

The legislature of 1895 made the above section compulsory. When a flag is purchased, the district board should make some provision for properly caring for it. If left exposed to the weather it will be quickly destroyed. The teacher should exercise the same control over it that it is his duty to exercise in regard to other district property placed in his care during the school term, and the district clerk should care for it during vacations.

**Additional tax, when collected** — SECTION 437. If any district shall not, at its annual meeting, or at a subsequent special meeting, prior to the third Monday of November following, vote a tax sufficient to maintain a school in said district for the term of six months during the ensuing year, the district board shall then, on or before the Wednesday next following said third Monday of November, estimate and determine the sum necessary to be raised to maintain such school, and the district clerk shall forthwith certify to the town clerk the amount so fixed, who shall assess the same as other district taxes are assessed, and all school money received from the school fund income shall be applied exclusively to the payment of teachers' wages.

While the law has restrained districts on the one hand, from voting excessive taxes, it has also provided a security against the parsimony or negligence that would sometimes fail to open schools at all, or that would open them for an insufficient period. Six months' school in each year is the smallest amount

that entitles a district to share in the income of the school fund. Not to provide for at least this amount is a wrong to children, and an injury to the public good. The district board is therefore charged with the duty of making this provision, if it is not done by the district. The neglect to do this punishable by fine, or removal from office. See sections 507, 4549 and 4550.

**Contract with teacher** — SECTION 438. The district board shall contract with and hire duly qualified teachers in the name of the district, and the contract made shall specify the wages per week, month or year, to be paid, and when completed, shall be filed in the office of the district clerk, with a copy of the certificate of the teacher so employed attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher. No contract with any person not holding a diploma or certificate then authorizing him to teach shall be valid; and all such contracts shall terminate if the authority given to teach shall expire by limitation and shall not be renewed, or if it shall be revoked. See form No. 21.

The duty here devolved upon the district board, like any other act performed by it, must be preceded by a regular meeting, as provided for in section 432. The comments upon that section are referred to in this connection.

Two of the board may be in favor of hiring a certain teacher, and may think that because they are a majority, there is no need of a meeting to consider the subject. But each member of the board has an equal right to be heard. Two of the board have no right to assume that the other member may not be able to give good reasons for hiring some other person than their candidate. Common courtesy as well as the law requires a meeting for deliberation.

In negotiating for a teacher, the board should first of all ascertain that the person is legally "qualified." The only legal evidence of this is an unexpired certificate from the proper superintendent. If the county be divided into two superintendent districts, the certificate must be from the superintendent of that division of the county in which the school is to be taught. In case of a joint district not wholly within the jurisdiction of

one superintendent, the certificate must be from the superintendent within whose jurisdiction the schoolhouse is situated. A certificate has no validity or force beyond the county or jurisdiction within which it is given, although "indorsed" by some other superintendent.

The contract is of no force unless signed by at least two members of the board. It is better that it be signed by all.

There is no authority for making a contract whereby the teacher engages to board with the parents of the children.

The employment of any member of the district board to teach the school is not strictly forbidden by statute; nevertheless, it must be considered illegal, because against public policy; and a contract by a majority of the board with one of their own number, could not be enforced. 25 Wisconsin, 551.

Contracts with teachers to extend beyond the close of the school year are not binding upon the district or upon the incoming board (16 Wis., 336). But if such contract be allowed to stand, the district will be liable for services rendered under it.

The selection of the teacher and the amount of his compensation are committed to the discretion of the board. The board may respect the expressed wish of the inhabitants, but the duty and responsibility of action in these matters remains with it.

The teacher's security lies, first, in securing legal qualification to teach; second, in securing a legal contract. A verbal agreement may be incapable of proof, and may be broken.

A teacher holding a legal contract may be dismissed for cause, during its continuance, but the burden of proof always rests with the party that terminates a legal contract.

A teacher prevented from rendering full service by the destruction of the schoolhouse, or by the suspension of the school by order of the board, on account of the prevalence of a contagious disease, if ready at all times to render the service for which he contracted, may recover full compensation. 50 Vt., 30; 43 Mich., 480.

**Rules — Expulsion of pupils — Admission of adults —**  
SECTION 439. The board shall have power to make all needful rules for the government of the schools established in the district, such rules to take effect when a copy of the same, signed by a majority of the board, shall be filed with the clerk. To suspend any pupil from the privileges of the school for non-compliance with the rules, established by them, or by the teachers with their consent; to expel from school any pupil who shall persistently refuse or neglect to obey the rules above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school shall demand such expulsion; and to admit any person between twenty and thirty years of age, residing in the district, to any public school under their control, free of tuition, when, in their judgment, it will not interfere with the pupils of school age therein.

The board has power to make all needful rules and regulations for the organization, gradation and government of the school, and to suspend any pupil for non-compliance with reasonable rules established by it, or by the teacher with its consent. 35 Wis., 59; 45 Wis., 150. But in matters of this kind the board will, in the main, be guided by the advice of the teacher. While the teacher is subordinate to, and must execute the orders of the board, he is responsible for the conduct, discipline and progress of his pupils, and should, generally, be allowed to decide as to the means and methods of discharging this responsibility. Rules adopted, or approved by the board, should be recorded in its minutes.

While there is no doubt as to the authority of the board to expel a pupil for continued insubordination or gross immorality, humanity demands that all other remedies should be exhausted before resorting to this extreme measure. It is the province of the schools to make good men and good women from such material as is furnished by the several communities. Their efficiency is commensurate with their power to incite the love of right things.

It becomes the duty of a school board to expel a pupil whenever it is convinced that his continuance in school will result in its demoralization, or in the contamination of his fellows; but the proof on which the conviction rests should be indubitable. It



should be remembered that the object of school discipline is to reform and restore. If the board neglects to make rules for the government of the school, the authority of the teacher to enforce obedience to reasonable requirements is unquestionable.

The teacher may quell insubordination by corporal punishment or by suspension. But these are extreme remedies, and are justifiable only where other means fail, or are plainly inadequate.

Courts have uniformly sustained the authority of school boards to make and enforce rules requiring pupils to bring written excuses for absence and tardiness under penalty of suspension.

The rule must be reasonable, and must be enforced in a reasonable manner. If a school board should authorize suspension for absence occasioned by a violent storm, by the illness of the child, or by illness or death in his family, the rule would be unreasonable and therefore illegal.

Barring schoolhouse doors against tardy children in cold or stormy weather would be cruel, and would not be sustained.

Not unfrequently there is a disposition to question the teacher's right to enforce his authority by the infliction of corporal punishment. It should be borne in mind that the teacher who contracts to manage a public school undertakes to do something more than merely to prescribe lessons and hear recitations. He assumes to govern the school, to maintain quiet and order in and about the schoolhouse, and to compel such conduct on the part of the pupils as shall best conduce to their own welfare and that of the school as a whole. This authority would be nugatory if the teacher were not armed with some coercive power. Accordingly, the supreme courts of nearly every state in the union have held, with singular unanimity, to the determination that the teacher has the right, in the execution of his duty, to inflict corporal punishment. Our own supreme court, in 45 Wis., p. 150, held that "A teacher is responsible for the discipline of his school, and for the progress, conduct and deportment of his pupils. It is his imperative duty to maintain good order and to require of his pupils a faithful performance of

their duties. If he fails to do so, he is unfit for his position. To enable him to discharge these duties effectually, he must necessarily have the power to enforce prompt obedience to his lawful commands. For this reason the law gives him power, in proper cases, to inflict corporal punishment upon refractory pupils." The courts have held as uniformly that the teacher was liable for the castigation of his pupils only when the punishment was unreasonable, or was inflicted from malicious motives. It has also been held that the teacher is the best judge both of the need and the measure of punishment. There are many circumstances tending to determine the guilt of the pupil which cannot be set up in evidence,—such as the manner of the pupil, his tone of voice and general conduct. Still, the infliction of physical pain has little educational value, and a wise teacher will seldom resort to this method of securing obedience.

**Board's duties as to text-books—Change of—**SECTION 440. The district board shall determine what school and text-books shall be used in the several branches taught in the schools; they shall make a list of such books and file one copy with the clerk, and keep one copy posted in the schoolhouse. When any such text-books shall have been adopted (except in districts furnishing free text-books to all pupils attending school therein) they shall not be changed for the term of three years, and no change of text-books shall be made by a school board (except in districts furnishing free text-books as aforesaid) unless authorized by a majority vote of the legal voters of a district, at a regular annual school meeting; and it is hereby made the duty of the district clerk to embody in his notice of such annual meeting the fact that the question of a change of text-books will be submitted to the meeting.

The purpose of this section is to exempt districts furnishing free text-books from that provision of the original statute that requires district boards to retain adopted text-books at least three years; and permits them to change them only when authorized to do so by a vote of the district at an annual school meeting. This section removes this restriction from districts that furnish text-books free, and leaves the adoption and change of text-books to the discretion of district boards.

**Text-books in cities** — SECTION 440a. The several boards of education having the government in cities of the public schools, shall determine what school and text-books shall be used in the several branches of study pursued in the schools, and shall make a list of such books, file a copy with their clerk or secretary and keep a copy posted in each school building. When any such text-books shall have been adopted, except in such city or cities as furnish to the pupils attending the public schools therein free text-books, they shall not be changed for a term of three years. Any board of education in any city where the district system is not in force may, under the limitations of this act, order changes in text-books, as aforesaid; provided, except as to free text-books, as aforesaid, that said changes shall be approved by the common council or board of aldermen of such city; and the aforesaid boards of education are hereby authorized to purchase text-books for use in the public schools, and to loan or furnish them to pupils under such conditions or regulations as they may prescribe. But no text-books shall be permitted in any free public schools which would have a tendency to inculcate sectarian ideas.

SECTION 440b. Every member of a district board in any school-district in this state, every member of a board of education in any city of this state, in which a list of text-books has been adopted according to law, who shall within three years from the date of such adoption order a change of text-books in such district or city, shall forfeit the sum of fifty dollars.

This is applicable to all school officers except those of districts and of cities furnishing free text-books.

By the above provisions, it will be seen that in the first instance, before any list of text-books has been adopted for use in the district, the district board is authorized and required to adopt such a list, file one copy with the clerk, and post one copy in the school room. After this list is adopted, no change in that list can be made for three years, and thereafter only when the district, at a regular annual meeting, shall authorize the board to make changes therein by a vote of the majority of the voters present.

It is always safe to presume, where there is considerable uniformity of books in use, that a list has been adopted at some time, although no list can be found in the file of the clerk, or posted in the school room; and to make no changes until the annual meeting authorizes them to be made.

In regard to a meeting of the board, it is also safest and wisest to call and hold a meeting, as provided in section 432 before acting upon any important matter like that of changing or adopting text-books, hiring teachers, etc., etc., and the attention of school officers is particularly called to the fact that the electors at a school meeting have no authority to change text-books within three years after their adoption; that the electors at any special meeting cannot authorize a change, and that there is no authority for making contracts with publishing houses for a specified time.

School boards are charged with no more delicate duty than the one imposed by these sections. The law imposes upon district boards the duty and the responsibility of adopting text-books for the schools. In the discharge of this duty boards will do well to call to their aid the teacher and those best acquainted with the actual merits of the books. Such persons will be the best judges of the adaptation of the books to the needs of the school.

**Board to visit school** — SECTION 441. The district board shall visit the school under their care, examine into the condition thereof, and the progress of the pupils, advise and consult with the teachers in reference to the method of instruction, management, and government, and exercise such general supervision as is necessary to carry out the provisions of this chapter.

**Premium note for insurance** — SECTION 441*a*. Any school-district board in the state, insuring in a town insurance company the school property in its charge is hereby authorized to execute a note for the premium.

## DIRECTOR.

**Duties of**—SECTION 442. It shall be the duty of the director of each district:

1. To countersign all orders legally drawn by the clerk upon the treasurer of the district.

2. To appear for and on behalf of the district in all actions brought by and against it, when no other direction shall have been lawfully given at a district meeting.

3. To cause an action to be prosecuted in the name of the district, on the treasurer's bond in case of any breach of any condition thereof, and to apply all money when collected to the use of the district as the same should have been applied by the treasurer.

The words "legally drawn," in the first clause of this section, make it the duty of the director to ascertain that orders on the district treasury have been drawn in accordance with law, before affixing his signature thereto.

By the provisions of subdivision 15, of section 430, the district has power, at any meeting duly called, to give such direction and make such provision, as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or interested; and unless some other person is designated to perform the duty, the director is required to bring suit and carry out the will of the meeting.

In case of a breach of the treasurer's bond it is the duty of the director to commence proceedings to protect the interests of the district at once, without waiting for the action of a district meeting. He may also bring suit for an injury to a school-house without direction from the electors. 21 Wis., 657.

If an action is commenced against the district, the director must appear in behalf of the district, without waiting for authority from a district meeting. The district may, however, designate some other person to act as its representative in the defense.

## TREASURER.

**Bonds of**—SECTION 443. The treasurer of each district shall, within ten days after his election or appointment, execute to the district, and file with the clerk a bond with sufficient sureties, in double the amount, as nearly as can be ascertained, of all the money to come into his hands as treasurer of the district, conditioned for the faithful discharge of the duty of his office, and approved by the director and clerk. Such treasurer shall hold his office until his successor shall be elected or appointed, and his bond shall be executed, filed and approved as provided by law. Whenever the director and clerk shall deem the bond of any treasurer insufficient, they shall demand an additional bond with the like condition, in such sum as they shall fix, which shall thereupon be executed, approved and filed in the manner aforesaid, within ten days after such demand. The neglect or refusal to file such bond in either case shall vacate the office; provided, that no person employed as school director, clerk or teacher, shall hold the office of school treasurer in the same district. See Forms Nos. 22 and 23.

School-district treasurers hold their offices until their successors are elected or appointed, and qualified by filing the required bond.

A neglect to file the bond completed and approved,\* within ten days, as the law directs, is a ground for vacating the office. Filing it with the approval of *one* member of the board only, is of no effect. It is obviously improper for either the director or the clerk to become surety for the treasurer.

The power granted the clerk and director by this section to require an additional bond, when deemed necessary, should be exercised whenever the interests of the district demand it. No good citizen will regard the exercise of this power as an imputation upon his character. Whenever the security on the bond is not such as the law requires, it is obviously the duty of the treasurer to furnish additional security, and it must be done within ten days. just as in the original filing of the bond.

When the office is vacated from either of the causes named, the board will appoint a treasurer, who will be subject to the same conditions and possess the same powers as if elected to the office.

By this section the treasurer is required to file a bond with securities that are sufficient in the judgment of the director and clerk, but these officers are to be guided in this matter by a sound discretion, and not by caprice. They may require the affidavit of bondsmen, certifying that they are worth the amount for which the bond renders them responsible, in their own right; *but they may not use the discretion with which the law vests them to defeat the will of the district.*

Failure of a treasurer to pay over money in his hands on his removal from office is a breach of his bond, and no demand is necessary to fix the liability of his sureties. 27 Wis., 505.

The district has no power to release a treasurer from liability for money lost or mis-applied by him. 10 Neb., 293.

**Treasurer's duties** — SECTION 444. The treasurer of each school-district shall apply for and receive from the town treasurer all school money apportioned to the district or collected for the same by said town treasurer, and pay all money received by him on the order of the clerk, countersigned by the director, and not otherwise. He shall keep a book in which he shall enter all the money received and disbursed by him, specifying particularly the sources from which the same has been received, the persons to whom, and the object for which the same has been paid, and shall afford the clerk access thereto, when desired, to enable him to make his annual school report. He shall present to each annual meeting, a report in writing, containing a statement of all moneys received by him during the preceding year, and of each item of disbursement made by him, and exhibit the voucher therefor. At the close of his term of office, he shall settle with the district board, and deliver to his successor said book and all vouchers, orders and papers coming into his hands as treasurer, together with all money remaining in his hands as such treasurer.

While this section requires the treasurer "to pay all money received by him on the order of the clerk, countersigned by the director," it should be borne in mind that he is a member of the district board and is bound by the general law prohibiting these officers from paying orders for money that has not been appropriated according to law. See section 446. He is not bound to pay an order to satisfy an appropriation (made by the board) about which he was not consulted. 59 Wis., 518.

An order, although properly drawn, does not relieve a treasurer of his responsibilities as a district officer. It is his business to see that the money of the district is disbursed according to law.

The district treasurer can ascertain the amount of money to which his district is entitled, by examining the certificate of apportionment on file in the town treasurer's office, which that officer receives from the town clerk. The district treasurer should pay all legal orders in the order of presentation, when no special direction appears upon the order to the contrary.

The law now requires the treasurer to give the clerk access to his books in making his report.

It is a duty which the treasurer owes to himself, as well as to his district, to keep an accurate record of his accounts, so as to be able to present a clear and satisfactory statement of the transactions of the year. The account required to be kept by him, may be a simple cash account, in which the treasurer *personally*, and in his individual name is charged with all school moneys received by him, and credited with each payment, specifying the date, the person to whom and the account on which it was made. It is convenient and will conduce to accuracy to number each credit consecutively, and to affix the same number to the order to be produced in proof of payment, and in support of such payment. This account should be kept in a book well bound, and a transcript of such account should be made, and with the proper vouchers, presented to the annual meeting. This transcript should be examined by a committee appointed by the meeting, and should be endorsed by said committee as having been examined and found correct, if the committee find it regular in all respects. When at the close of his term of office he settles with the district board, as required by law, the board should enter, upon the original account in the blank-book, its certificate that it has examined such account up to and including the last preceding entry (giving its date), and the vouchers therefor, and that it finds the same correct.

It is deemed proper to refer here to the present law in re-



gard to embezzlement. Refusal of an officer or other person, made the custodian of money, to pay over the same on lawful demand, is declared to be embezzlement, and is punishable by imprisonment or fine. And if any person so demanding money and refused the same neglects to make complaint against such officer, he is also punishable by imprisonment or fine. Sections 4418-4421 of the revised statutes relate to this matter. It will be seen by section 963, that whenever any judgment has been rendered against the treasurer for any breach of the conditions of his bond the governor may declare the office vacant. The vacancy will be filled as other vacancies in the district board are filled.

It is also deemed proper to refer here to the provisions of law relating to proceedings to compel the delivery of books and papers of public officers to their successors, contained in chapter XLIII, revised statutes, and embracing sections 977-983 inclusive. Severe penalties and summary proceedings are therein provided for failure to thus deliver books and papers to successors. See these sections under title of Penalties and Miscellaneous Laws at the end of the code.

**Prosecution of town treasurer** — SECTION 445. The treasurer of any school-district shall prosecute the town treasurer of the town in which such district or any part thereof is situated, for the recovery of any money belonging to such district, in all cases when such town treasurer shall refuse or neglect, for the space of ten days from the time fixed by law therefor, to pay the same to the proper officer of such district.

The treasurer should bring the action before a justice of the peace, if the amount withheld does not exceed \$200; otherwise, in the circuit court.

## CLERK.

**Duties of**—SECTION 446. It shall be the duty of each school-district clerk:

1. To report the name and postoffice address of each officer of his district to the town clerk and to the town treasurer, or if a joint district, the town clerk and the town treasurer of each town in which his district or any part thereof is situated, within ten days after the election or appointment of such officer.

2. To act as clerk when present, and record the proceedings of each district, and minutes of all meetings, orders, resolutions and other proceedings of the district board, in the record book provided by the board, and to enter therein copies of all reports made by him to the town clerk.

3. To make in such book, or in some other suitable one, a record of all orders drawn upon the treasurer.

4. To draw orders on the treasurer for money in his hands which has been apportioned to or raised by the district for that purpose, in payment, when due, of the wages of legally qualified teachers who have been employed by the board, and have taught the school of such district, and also to draw orders on the treasurer for money in his hands, to be disbursed for any other purpose, voted by a district meeting, according to the provisions of section 430; and each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the director. No order shall be drawn, countersigned or paid, which is in favor of any person who has taught school in said district when not holding a certificate of qualification therefor, as provided by law, nor for the payment of which the money has not been appropriated according to law, and no order shall be drawn for any money received from the school fund income, for any other purpose than payment of teachers' wages. (See form No. 24.)

5. To furnish at the expense of the district for the use of each teacher, a school register in the form prescribed by the state superintendent, to procure the same to be returned to him at the expiration of the teacher's employment, and to preserve the same with the records and papers of the district.

6. To perform such other duties as are or shall be imposed upon him by law.

The importance of full and accurate records cannot be too strongly emphasized. The record book of the district should contain a full history of its school affairs. Dates, names, resolutions, votes, etc., should be given with such exactness that no trouble can arise which a reference to its pages will not help to

settle. Financial statements and reports should be spread out on the record book. Documents that are merely filed are soon lost.

The clerk cannot properly refuse to record the proceedings of a meeting that he was opposed to calling. And although he may think the proceedings illegal, it is his duty, nevertheless, faithfully to record them. If illegal, they may be set aside by competent authority, on appeal; and the record of the clerk is of importance in deciding the question.

As the board has no authority to contract with a teacher who does not hold a legal certificate of qualification, so also any use of public funds, from whatever source received, for the payment of teachers not legally qualified, is a palpable violation of law. It is the duty of the clerk to see and know that the person employed is legally qualified and entitled to teach, before any order for payment is drawn. It is no less the duty of the director to refuse to countersign, and of the treasurer to refuse to pay, orders drawn in violation of law; and these officers are bound to know that orders are legal before they recognize them as valid.

**School attendance and truancy** — SECTION 446a. 1. Every parent or other person having under his control any child between the ages of seven and thirteen years, shall cause such child to attend, for at least twelve weeks in each and every school year, some public or private school; provided, however, that this act shall not apply to any child that has been or is being otherwise instructed for a like period of time in the elementary branches of learning, or that has already acquired such knowledge, or whose mental or physical condition is such as to render his or her attendance at school and application to study inexpedient or impracticable, or who lives more than two miles from any school by the nearest traveled road, or who is excused for sufficient reasons by any court of record. Every person who shall violate the provisions of this section, shall upon conviction thereof, be fined in any sum not less than three dollars nor more than twenty dollars for each and every offense.

2. It shall be the duty of the director of any school-district, or the president of any board of education of any incorporated village or city, or any truant officers appointed by such board of education to prosecute any offense occurring under this act, and such person neglecting to prosecute for such fine within

fifteen days after a written notice has been served upon him, by any qualified elector or taxpayer within the district, village or city within which the offending party shall reside, shall be liable to a fine of not less than ten nor more than twenty dollars for each and every offense.

3. The board of education of every city and incorporated village, and the district school board in every school-district, may appoint one or more persons, who shall be designated as truant officers, whose duty it shall be, acting discreetly, to apprehend upon view, all children between seven and thirteen years of age, who habitually frequent or loiter about public places and have no lawful occupation, and place such children, when so apprehended, in such schools as the parent or other person having the control of such children may designate. And such officers shall report all cases of truancy to their respective boards of education, within a reasonable time. The persons appointed such truant officers shall be entitled to such compensation as shall be fixed by the boards appointing them and such compensation may be paid out of the school fund.

4. The fines provided for by this act shall, when collected, be paid over by the officers collecting the same to the proper school treasury of the city, village or school-district in which such person convicted resides, to be applied and accounted for by such treasurers in the same way as other moneys raised for school purposes, and shall be placed by such treasurers to the credit of any city or district in which such person resided at the time of conviction.

5. It shall be the duty of all officers empowered to take the annual school census to ascertain the number of children between the ages of seven and thirteen years in their respective districts, the number of children between such ages who did not attend school, and in so far as possible, the cause or causes of such failure to attend school.

This law is a substitute for all previous compulsory attendance legislation. It requires every person having control of a child between the ages of seven and thirteen years to send such child to school at least twelve weeks in each school year, unless he is suitably instructed otherwise in the elementary branches of learning, or has acquired such knowledge. Children whose mental or physical condition, or whose remoteness from a schoolhouse renders their attendance at school unwise or inexpedient, are also exempted from the requirements of this act. Penalties are provided for violation of this law. It is made the duty of the director of a district or president of a board of ed-

ucation to enforce the law, and for neglect of such enforcement such school officers are rendered liable whenever complaint is made by an elector or taxpayer. The law also provides for the appointment and compensation of truant officers, whose special duty it shall be to secure the attendance of children who become loiterers in public places. Fines collected under this act are devoted to the support of the local public schools. And it further provides for taking the annual school census in such a way as to reveal specifically the number of persons within the ages prescribed, and who of them did not attend school during the year preceding.

#### WHAT SHALL BE TAUGHT.

**Studies** — SECTION 447. Orthography, orthoepy, reading, writing, grammar, geography, arithmetic, history of the United States, the constitution of the United States, and the constitution of this state shall be taught in every district school, and such other branches as the district board may determine. All instruction shall be in the English language, except that the district board or the board of education of any incorporated village or city may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day. School-district boards, town boards of school directors, and boards of education, may, in their discretion, provide for kindergartens, for instruction and training of primary grades in separate departments or otherwise.

The topics recited in this section constitute the foundation of an education. Section 450 requires teachers of common schools to be examined in other branches, but the legislature evidently regarded those mentioned above as of prime importance, and provided that they must be taught.

Whenever, by the introduction of other branches into the public schools these are excluded, or are taught less efficiently, the plain provision of the section is violated. Every school should be so conducted as to secure daily instruction in reading, writing and spelling, and written exercises should be required

of persons of suitable advancement in every branch taught in the schools.

The law contemplates instruction, discipline and government of such character as to prepare the young to discharge their duties as citizens of a country in which the English language is used by the courts, the legislature and the people. To carry out this provision of the law, section 449 provides,—“No person shall receive any certificate who does not write and speak the English language with facility and correctness.”

Acquaintance with another language may aid in the instruction of children of foreign birth, or parentage, and this section allows one hour a day to be given to instruction in a foreign language, but the purpose of the provision is to limit, not to encourage the study of a foreign language in a common public school.

**Physiology and hygiene**—SECTION 447*a*. Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money, or under state control, in physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system.

The text-books used in giving the foregoing instruction shall receive the joint approval of the state superintendent of public instruction, and the state board of health.

This section contemplates instruction in physiology and hygiene, for all pupils sufficiently advanced in age and scholarship, with special reference to the effects of stimulants and narcotics upon the human system. Under the guidance of an approved book, oral instruction in this topic may be given to pupils that are too immature to be benefited by the use of a text-book.

The effectiveness of the work in this branch, so far as its oral presentation is concerned, will depend on the simplicity of the instruction, and the good judgment of the teacher in avoiding abstruse and offensive statements.

## CERTIFICATES AND EXAMINATIONS.

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**Who may teach**—SECTION 448. Every person who shall desire to teach in any of the common schools, unless he shall hold a diploma or certificate then authorizing him to teach, shall procure such certificate from the proper examining officer, as hereinafter provided; and no certificate shall have force, except in the district of the examining officer who issued the same.

See comments on section 438.

**Grades of certificates**—SECTION 449. There are hereby established three grades of teachers' certificates, to be known as certificates of the first, second and third grades. Each certificate shall show the branches in which the holder has been examined, and his relative attainments in each branch. No person shall receive any certificate who is known to the examining officer to be of immoral character, who is deficient in learning or ability to teach, or who does not write and speak the English language with facility and correctness.

**Scope of examination—Rights under certificates**—SECTION 450. Every applicant for a certificate shall be examined in the subjects hereinafter mentioned for the several grades respectively as follows: For the third grade, in orthoepy, orthography, reading, penmanship, arithmetic, English grammar, geography, the history of the United States, the constitution of the United States, the constitution of the state of Wisconsin, physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system, and the theory and art of teaching. For the second grade in all the foregoing, and also in grammatical analysis, physiology, physical geography and elementary algebra. For the first grade in all the foregoing, and also in higher algebra, natural philosophy and geometry, and if found qualified, shall receive the certificate appropriate to his grade. A third grade certificate shall entitle the holder to teach for such period, not more than one year, as may be specified therein, in any town in the superintendent district in which he is examined, except that it may be limited by the county superintendent to any town or school-district therein. A second grade certificate shall entitle the

holder to teach in any town in such superintendent district, and be in force two years from its date. A first grade certificate shall entitle the holder to teach in any town in such superintendent district, and be in force four years from its date; but the county superintendent may limit the same to one year, and remove the limitation upon satisfactory evidence that the holder has successfully taught a public school in this state for at least six months. Whenever any person has passed a satisfactory examination by any county superintendent of any county in this state, and obtained a certificate of either grade herein provided for, and shall purpose to teach in any other county in this state, it shall be lawful for the superintendent holding the papers written, upon the request of any county superintendent to transfer to the superintendent requesting the same the papers written at the examination at which the certificate was obtained, and if found satisfactory, a certificate thereon, of the proper grade, may be issued to be co-terminus with the original certificate in the discretion of the county superintendent, to the same effect as though the applicant had been examined by the superintendent in person.

Candidates for third grade certificates should be required to spell correctly the words of ordinary sentences dictated by the examiner, to know something of the rules of spelling, to understand the use of capitals and of the diacritical marks in Webster's dictionary, to pronounce common words with facility and correctness, and to read distinctly and intelligibly from an ordinary book; to work readily any ordinary problem in common arithmetic, giving reasons for the operations; to parse correctly any sentence of common prose and to understand the elements of sentential analysis; to have a fair knowledge of the geography, especially of the United States and of this state, of the history of this country, and of the constitutions of the United States and of Wisconsin; to have so much knowledge of human physiology as is necessary to give proper instruction upon the effects of narcotics and stimulants; to write legibly; and to have some correct ideas of methods of teaching and of the management of a school.

Candidates for second grade certificates should show a liberal understanding of the rules of spelling, pronunciation, and expression; of the diacritical marks, and marks of punctuation; should spell the difficult words in common use and be able to



read intelligently. They should write a plain hand, should understand the science of arithmetic, and be able to teach book-keeping by single entry; they should compose with facility and write grammatically, and should have a fair knowledge of the additional branches required for the second grade.

For a first grade certificate, the law requires a knowledge of higher algebra, natural philosophy and geometry, in addition to the branches required for the lower grades, and the examination in the common branches should be thorough and searching.

Third grade certificates are intended for temporary use, and they may be limited to any time less than one year and to any school district, at the discretion of the examiner.

The law does not recognize any form of "license" or "permit." Only a certificate in proper form is valid. A certificate cannot be "extended," but a new one may be issued if in the judgment of the superintendent the circumstances justify it. An "indorsement" of one superintendent upon the certificate issued by another has no validity, but an examination may be avoided by a transfer of papers, as provided in section 450.

**Standard of attainments**—SECTION 451. Each county superintendent shall, under the advice and direction of the state superintendent, establish for his county the standard of attainment in each branch of study, which must be reached by each applicant, before receiving a certificate of either grade, and the standard so established shall be uniform in the superintendent's district. He may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary may require a re-examination of any teacher in his district for the purpose of ascertaining his qualifications to continue as such teacher.

Comments relating to the standard of attainment will be found under section 461. This provision enables the superintendent to act upon the facts within his own knowledge in the accomplishment of the end contemplated in section 453. The re-examination authorizes him to pass judgment upon the teacher with reference to his learning, ability to teach, and moral character. If found deficient in any of these particulars to such a degree that his continuance as a teacher would be prejudicial

to the interests of education, the certificate should not be granted. The superintendent may base his judgment as to the teacher's ability upon the results of the observations made by him during school visitation. Care should be exercised that the observed conditions are of a permanent character and evidence the *real* condition of the school, as the authority to demand a re-examination of a teacher can lawfully be exercised only when there is good and sufficient cause for it.

At least five days' notice should be given to the board and the teacher of the time and place when and where the examination will be held. When the exigencies of the case demand the immediate removal of the teacher, it is advisable to confer with the board with a view to secure his dismissal on the grounds of failure to perform his contract. Upon the board's failure to act, it will be proper for the superintendent, in the discharge of his duty, to exercise the authority with which the statute clothes him, that is, he may annul the teacher's certificate, whereupon the contract will expire by force of law. See section 438.

If the case arises near the close of the teacher's term, it may be the better course to require the teacher to appear at the next public examination; the facts and circumstances of each case should control the action of the superintendent.

**Re-examination of applicant** — SECTION 452. Any applicant refused a certificate as a teacher by the county superintendent, may apply to the state superintendent for a re-examination. The superintendent, upon demand, shall give any applicant refused a certificate, a written statement of the reasons of such refusal, which shall be presented to the state superintendent by the person desiring re-examination. If, upon such re-examination, the state superintendent shall be satisfied that such applicant is legally qualified, he shall issue a certificate of the proper grade which shall entitle him to the same privileges as if it had been issued by the county superintendent.

An appeal from the action of a county superintendent in refusing to grant a certificate must be conducted according to the rules and regulations of the department governing appeals. As the county superintendent fixes the standard of attainment

under the advice of the state superintendent, no appeal need be taken under the impression that the standard will be lowered.

If the refusal is for want of literary qualifications, a re-examination will probably be necessary. If for other reasons, the decision will be rendered according to the evidence submitted. The forms and rules to be observed by a teacher in taking an appeal will be found under section 497.

**Graduates of high schools entitled to certificates** — SECTION 452a. The high school board of each high school-district, in this state in which there is, or shall hereafter be maintained a free high school, according to the provisions of law, shall make out and deliver to each graduate of such respective high schools at the time of graduation, a certificate of his standing in the various branches which he has pursued in such school, and any such graduate who shall have duly passed an examination for and received a first grade certificate from the county superintendent of schools of the county where he shall then reside or shall have so graduated, upon furnishing to any county superintendent satisfactory proof of having successfully taught at least one school year under such first grade certificate, such county superintendent may countersign such certificate of graduation or diploma and the same when so countersigned shall have the same force and effect (for all purposes) of a first grade county certificate for the period of four years, from and after the time when the same is so countersigned.

This section enables a graduate of a free high school to secure a first grade certificate in any county, based upon his diploma and testimonials of successful experience in teaching after graduation. Superintendents should file in their offices the documentary "proofs" required.

#### ANNULLING CERTIFICATES.

**Charges against teacher, how heard** — SECTION 453. When any charge shall be made in writing, to any county superintendent, over the signature of a complainant, against any teacher in the superintendent's district, affecting his moral character, learning or ability to teach, the county superintendent shall give to such complainant, the teacher and the district board by whom he is employed, at least ten days' notice in writing of the time and place when and where he will hear the

same, which shall in all cases contain a statement of such charges. At the time and place fixed in such notice, he shall proceed to hear the proofs on either side, and may administer oaths therefor, and give the accused a reasonable opportunity to defend himself, and if he shall find the charges sustained and sufficient, he may annul his certificate. Such annulling of a certificate shall not disqualify a teacher until notice thereof, containing the name, date, and reasons therefor, shall be filed in the office of the town clerk, and a copy thereof delivered to the clerk of the district in which such teacher is employed.

Immoral character, deficiency in learning, or inability to teach, is cause for the annulment of a teacher's certificate. The superintendent should listen to complaints made under these heads, and upon presentation of specific charges, he should file copies of the complaint with the teacher and with the district board, and name a suitable time and place for pursuing the inquiry formally. If the charges be sustained by convincing evidence presented by the complainant, and the rebuttal made by the teacher fail to exculpate him, the superintendent may annul the teacher's certificate. In case of a charge of deficiency in learning, the superintendent may re-examine after suitable notice, and may annul the certificate for cause; and in case of charge of want of ability to teach, the superintendent should inspect the school. If he find the charges well founded he may advise the board to discharge the teacher, or he may proceed as directed in the comments under section 451. In all steps taken the superintendent is a judge, the teacher is defendant, and the complainant should sustain his charge by convincing proof. Any annulment of a certificate is subject to appeal and to reversal by the state superintendent.

**State certificates** — SECTION 454. The state superintendent shall, before the second Wednesday of August in each year, appoint three competent persons, residents of this state, who shall constitute a board of examiners. Said board shall meet at the capitol once or more each year, at such times, and also at such other places as the state superintendent shall prescribe, for the examination of all applicants for state certificates; provided, the state superintendent is hereby authorized to examine principals of high schools and of free high schools who shall have been elected superintendents of the city schools containing

such high school, and to grant certificates to successful candidates, valid for one year, and in a single locality. The state superintendent shall prescribe the manner of making application, of conducting and managing such examinations, reporting the results thereof, and with the advice of the examiners, in what branches of study in addition to those fixed by law, the applicant for an unlimited state certificate shall be examined.

**Qualifications for** — SECTION 455. To entitle an applicant to a limited state certificate, the examiners shall be satisfied, and shall report to the state superintendent that he possesses the requisite scholarship in all the branches of study required for a first grade county certificate, and also in mental philosophy and English literature. To entitle him to an unlimited state certificate they shall be satisfied and report that he possesses the requisite scholarship in all the branches above named, and in all such others as shall have been prescribed. Each applicant shall furnish to the state board of examiners such evidence as the board may require of good moral character, experience, and success in teaching, and upon the recommendation of the board the state superintendent shall issue to each successful applicant such certificate as is awarded by the report of the examiners. A limited state certificate shall qualify to teach in any public school in the state without further examination for five years from its date, unless sooner annulled. An unlimited state certificate shall qualify to teach without any further examination, in any public school in the state, until the same is annulled.

**Record of examination** — SECTION 456. The state superintendent shall record the date of each certificate, and the name, age and residence of the person to whom issued; and he shall preserve on file in his office all papers relating to the examination of applicants for state certificates.

**Certificates, how revoked** — SECTION 457. Any state certificate may be revoked by the state superintendent for incompetency or immoral conduct; but before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

**Pay of examiners** — SECTION 458. There shall be paid out of the state treasury to each examiner appointed as aforesaid, five dollars per day for all time actually and necessarily spent in going to, holding and returning from any such examination, and all his actual and necessary expenses therein to be fixed and certified by the state superintendent.

Certificates are granted on examinations conducted by oral and written questions, and the filing of evidence of moral

character and of successful teaching. Stationery is furnished and no fee is charged for certificates.

#### LIMITED CERTIFICATES.

The requirements for these certificates are that each candidate should pass a satisfactory examination on all the branches required for a first grade certificate, (see section 450), and in addition, on mental philosophy and English literature. Satisfactory evidence of success in teaching for at least twelve months is also required.

Candidates are allowed to write at three successive sessions of the board of examiners, to complete the work.

#### UNLIMITED CERTIFICATES.

In addition to the examination provided for limited certificates, candidates for unlimited certificates must pass a satisfactory examination in botany, political economy, history of education, zoology, general history, and in geology, or chemistry, or astronomy, as the applicant may choose. Latin may be substituted for the critical study of English literature. They must also furnish evidence of having taught successfully at least twenty-four months.

City superintendents are frequently authorized by charters to examine and issue certificates to all teachers employed in the city. If elected to the principalship of schools the city superintendent may find it difficult to qualify under other statutes. This section authorizes the state superintendent to examine and issue a certificate without convening the board of examiners. Principals should apply for direction before entering upon service.

**State certificates, college, university, or normal school diplomas may be countersigned** — SECTION 458a. 1. The teachers' certificates granted by other states which are fully and fairly equivalent to the Wisconsin unlimited certificate, may be countersigned by the state superintendent upon the recom-

mentation of the state board of examiners. The holder of such certificate shall furnish evidence of learning and good moral character, experience and success in teaching, as is required for the unlimited certificate.

2. The state superintendent is hereby authorized to countersign diplomas granted upon the completion of a regular collegiate course of the University of Wisconsin, or upon the completion of the full course of any Wisconsin state normal school. No diplomas shall be countersigned except the holder thereof shall furnish evidence satisfactory to the state superintendent of good moral character and one year's successful teaching in a public school. The certificate granted upon the completion of the elementary course of any Wisconsin state normal school may be countersigned by the state superintendent. When countersigned it shall have the force and effect of a limited state certificate in this state; but no such certificate shall be countersigned unless satisfactory evidence be furnished the state superintendent of good moral character and successful experience in teaching a public school for eight months after the date of its issuance. Provided, that a limited state certificate and a certificate from the elementary course of the normal schools shall not qualify the holder as principal of a free high school having a four years' course of study.

3. The holder of a diploma granted by any incorporated college or university, whose regular collegiate courses are fully and fairly equivalent to corresponding courses in the University of Wisconsin, and the holder of a diploma granted by a state normal school whose course of study is fully and fairly equivalent to the courses of study in the Wisconsin normal schools, may present such diploma, together with evidence of the required standing of the college, university or normal school granting the same, to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' successful teaching in a public school after the date of issue of said diploma. The holder of a diploma recommended favorably by the board shall be entitled to receive an unlimited state certificate. The holder of a diploma upon which a state certificate has not been issued, and which was granted upon the completion of a course of study accredited as herein provided, may be given a special license by the state superintendent to teach for two years in a public school, upon the recommendation of the state board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require.

4. All diplomas and life certificates provided for in the three preceding sections, when countersigned, shall have the force and effect given by law to the unlimited state certificate.

5. Any state certificate, or its equivalent, may be revoked by the state superintendent for incompetency or immoral conduct; but before any such revocation the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

**Milwaukee high school diplomas** — SECTION 458b. After any person has graduated from the Milwaukee high school and normal department thereof, and shall hold a diploma from the school board of Milwaukee, certifying to these facts, and shall have successfully taught five years in a public school in this state, the state superintendent shall have the authority to countersign the diploma of such teacher after such examination as to moral character, learning and ability to teach as to the said superintendent may seem proper and reasonable.

2. The diploma of such graduate, countersigned by the state superintendent as aforesaid, shall be evidence of the qualifications of such graduate to teach in any common school in this state, and shall have the force and effect of an unlimited state certificate.

**Diplomas from the kindergarten training courses** — SECTION 458c. Any diplomas granted by the board of regents of normal schools to persons who complete the kindergarten training course established by said board in any of the state normal schools shall be regarded as certificates legally qualifying the holders thereof to teach for one year in any kindergarten forming a part of the public school system of the state.

2. Whenever any person has, after receiving the diploma referred to in section 1, of this act, taught in a public kindergarten in this state one year, the state superintendent may, after such examination as to moral character, learning and ability to teach, as to him may seem proper, countersign the diploma of such teacher, and thereafter such countersigned diploma shall legally qualify the holder thereof to teach without further examination in any public kindergarten in the state, or until the same shall be annulled.

**State superintendent to issue certificates based upon diplomas from the state university and the state normal schools** — SECTION 458d. Any person holding a diploma granted upon the completion of a regular collegiate course of the university of Wisconsin, or upon the completion of the full course of any state normal school in this state, upon presentation of the same to the state superintendent shall be entitled to receive from that officer a certificate which shall authorize the person receiving the same to teach in any public school in the state for one year. In like manner the holder of a certificate granted upon the completion of the elementary course of any Wisconsin state normal school, not countersigned by the state superintendent,



ent, may present such certificate to the state superintendent and thereupon receive a certificate which shall be a license to teach in any public school in the state for the period of one year, in which such elementary certificate would authorize the holder to teach if countersigned by the state superintendent. The state superintendent is hereby authorized and directed to issue the certificates herein provided for, and when issued the same shall have the force and effect of a legal license to teach in the public schools required to be obtained before entering into contract as a teacher with any school officers in this state.

The above sections cover all points relating to the countersignature of diplomas and state certificates and the issuance of licenses and certificates by the state superintendent. The testimonials sent must be originals, not copies, and the statements made in regard to successful teaching, if the holder has taught since graduation, and moral character must be clear and specific. The testimonials in cases where countersignature is desired should be signed by a majority, at least, of the members of the school board under whose supervision the applicant has taught, or in cases where the teaching has been done under the supervision of a city superintendent of schools the signature of the superintendent alone is sufficient. A copy of the testimonial sent should be kept by the applicant, since the original must be filed among the records of the state superintendent's office.

#### TEACHER'S MONTH AND LOSS OF TIME.

**School month — Holidays —** SECTION 459. In settlement for wages between teachers and district boards, and other employers of teachers in the public schools, twenty days of teaching shall constitute a school month, unless it be otherwise specified in the contract, and all legal holidays occurring on school days shall be counted, although no school be taught; but school taught on a legal holiday shall not be counted for two school days, and no Saturdays shall be counted. The district board may, in their discretion, give to any teacher employed, without deduction from his wages therefor, the whole or any part of his time spent by him in attending the sessions of any institute held in the county, embracing the school district or any part

thereof, upon such teacher's furnishing to the district clerk, to be filed by him, a certificate of regular attendance on such institute, signed by the person conducting the same.

School boards and teachers should take notice that the teacher's month is always twenty days, unless otherwise specified in the contract; also, that no Saturdays, but all legal holidays are to be counted. The legal holidays are named in the comments on section 462, and whenever any legal holiday shall fall on Sunday, the succeeding Monday is a legal holiday

It is recommended that school boards exercise the power given in this section, and allow teachers to attend institutes without deducting the time. The certificate of attendance required by the law should be surrendered to the clerk before an order for wages is drawn.

#### THE SCHOOL REGISTER.

**School register, how kept** — SECTION 460. Every teacher employed by a district board shall enter in the school register the names, ages and studies of all scholars attending school, and daily their attendance and absence, and such other facts as the county superintendent or state superintendent may require; which register the teacher shall deliver to the clerk at the time he shall cease to be employed by such district, or at any other time when the same may be required for the use of the district board; and the teacher shall make in writing, and transmit to the district board, or to the county superintendent, a report concerning any matter relating to his school, in such form and manner as the board or superintendent may prescribe, and any teacher who shall wilfully neglect or refuse to make the proper entries in the school register as above required, shall forfeit his wages for teaching during the time of such neglect or refusal.

It is the duty of the clerk to furnish the teacher with a register (subdivision 5, of section 446), and to call attention to the penalties of wilful neglect or refusal to comply with this requirement.

A form of school register is given in the appendix hereof

(No. 25). Economy will be served if bound books be procured for registers. While registers are not supplied by the state superintendent, approved forms may be obtained of firms that deal in school supplies.

The clerk should examine the register during the term to aid in securing that accuracy in the method of keeping it that will enable him to make a reliable report to the town clerk, and he should require the teacher to return the register at the end of the term.

#### IV. THE COUNTY SUPERINTENDENT.

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**Duties of**—SECTION 461. It shall be the duty of every county superintendent:

**To examine teachers**—1. To examine and license teachers in his district and to annul certificates as provided by law.

The purpose of teachers' examinations is to ascertain the attainments of applicants in the branches set forth in the law, and their ability to instruct. Character and conduct are important factors in a teacher's equipment, and so the law restrains superintendents from granting certificates to persons known to themselves to be immoral. A formal examination into the moral character of applicants seems to be impracticable, but superintendents should be no less alert to save pupils from the contamination that would result from licensing unprincipled persons. Applicants that are unknown to the examiner should be required to furnish satisfactory evidence that their conduct is above reproach. The law wisely forbids the use of religious tests, but that sound morality that constitutes the recognized rules of life among right thinking people is not sectarian.

Comments upon certificates may be found under section 450.

The law sets forth the branches in which applicants must be examined, and the different certificates which superintendents are authorized to grant. The method of examination is by written and oral questions. In the preparation of questions care should be observed that they are made to involve principles rather than facts, and they should be so framed as to test the applicant's ability to develop a subject by correct methods, and to

secure to pupils the disciplinary value of the study. They should be sufficient in number to constitute an adequate test.

Superintendents should discriminate between the standard of attainments in branches of study and the standing in these branches. The standard is the examiner's judgment as to the ability and scholarship requisite to a teacher. Standing is the applicant's attainments in the several branches as indicated by the examination.

Care in the formation of the standard required will aid in determining the plan of examination and the questions to be submitted. The sole purpose of examinations is to test the ability and attainments of applicants as measured by a required standard, and hence some standard is a pre-requisite to intelligent work in examinations. If the examiner prefers not to know whose papers he examines, he may give each candidate a number to be placed upon his paper instead of his name. The preliminary paper, prepared by the candidate, should show his number, which will afford a means of identifying his papers after they have been examined and the results determined. Which ever method is adopted, the examiner will not be relieved from the duty of justifying his markings when called upon to do so.

In conducting the oral examination, the examiner should carefully note pronunciation, choice of words, facility of illustration, and manner of address, with a view to the formation of relatively just judgments. The oral examination affords an excellent test of a person's ability to impart instruction. All applicants deserving certificates should speak the English language readily and correctly.

The law does not require the attainment of any age as essential for a certificate. The question for the examiner to determine is one of capacity and fitness to perform the duties and to meet the responsibilities of a school teacher. These demand a maturity of judgment and a soundness of discretion not found in boys and girls.

All papers written at examinations should be preserved by the superintendent during the life of the certificate issued

thereon. A conveniently arranged permanent record of all examinations should be kept, which should embrace the names and addresses of applicants, their standings and the grade of certificates granted to each, with the date of its expiration.

The examiner should make all arrangements necessary to the proper conduct of the examination sufficiently early to begin work at the hour appointed in the public notice. Applicants should be required to conform to such regulations as will facilitate the work of the examination and make it a true test of their qualifications. Every precaution should be taken to preclude resort to unfair means.

**To visit schools** — 2. To visit and examine each district, and all the schools in his district, at least once in each year, and as much oftener as may be necessary; to inquire into all matters relating to the management, course of study, mode of instruction, text-books, and discipline of such schools, and the condition of the schoolhouses, sites and out-buildings and appendages, and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming and ventilation of schoolhouses, and the improving and adorning of the school grounds, and to recommend to the school officers and teachers the proper studies, discipline and management of schools.

The object of the superintendent's visits is set forth with sufficient clearness in the law. It remains for him to make his visits helpful to the schools. A formal call of a few minutes duration can serve no beneficial purpose, and should not be considered a sufficient performance of the superintendent's duty in this regard.

The superintendent should keep a record of his observations. The information thus obtained should serve as an aid in passing judgment upon the qualifications of teachers, and should also form the basis of association work. Without it the superintendent must necessarily be a stranger to the needs of his schools, and will not be able to advise school boards wisely, or to direct the work of teachers intelligently.

**To direct alterations and repairs** — 3. To direct, after proper examination, the district board to make any alteration

and repairs which shall in his opinion be necessary to the health, comfort and progress of the pupils, and to abate any nuisance in or upon the premises, providing the same can be done at an expense not exceeding twenty-five dollars.

**Declare school building unfit for use—4.** To make an order in concurrence with the chairman of the town board in which any schoolhouse is situated, which they shall deem unfit for school purposes and not worth repairing, declaring such fact and reciting the reason therefor. They shall deliver such order to the clerk of the district, and transmit forthwith a copy thereof to the clerk of the town, and also to the state superintendent. Such order shall take effect from its date, unless within thirty days after it is delivered to the district clerk the same shall be reversed by the state superintendent for cause shown, and from the time said order shall take effect, the district shall not share in any apportionment of the school fund income for any school kept in any building so declared to be unfit for school purposes.

**To report to county board—5.** To report annually to the board of supervisors of his county the condition of the schools under his supervision.

**To transmit reports of clerks—6.** To receive from the town, city or village clerk, the abstracts of the reports of the district clerks required to be made by law, and to transmit the same to the state superintendent; and before the first day of May in each year to transmit to the state superintendent the name and post-office address of each town clerk in his district, and from time to time such other facts relating to education in his district as the state superintendent shall require.

**To conduct institutes—7.** To organize and conduct at least one institute for the instruction of teachers in each year, and to advise in all questions arising under the operations of the school laws in his district.

It is made the duty of the superintendent to hold an institute each year. Careful preparation should be made for its accommodation. A well ventilated and properly warmed room, furnished with blackboards and a sufficient number of seats to accommodate all that attend, is indispensable. In the selection of the place for holding an institute, care should be exercised to choose a place in which a proper building can be secured, and ample accommodations obtained for the entertainment of teachers.

Notice of the institute should suggest the necessity of bringing stationery, manuals and text-books. The superintendent should strive to secure prompt and regular attendance, and to maintain such order and attention as will render the institute a model in methods of recitation, instruction and management. The superintendent should correspond with the conductor appointed to assist him in reference to a suitable program. The suggestions which he may make to the conductor should spring from his knowledge of the needs of his teachers as shown by his examinations and school visitation. The program should be published with the notice and should be followed in the actual work of the institute. The general scope of the work will be outlined by the institute committee.

**To form inspection districts — Examinations to be public** — 8. To divide his district into inspection districts bounded by town lines, and containing not more than four towns each, when the number of schools in his district, including graded schools, shall exceed one hundred and fifty; but to form not less than four inspection districts, if the number of schools is less than one hundred and fifty; not less than three, if the number is less than one hundred; to hold in each inspection district at least two meetings in each year for the examination of teachers, and to furnish each district clerk in the same a written notice of each meeting, to be posted by him in some conspicuous place in his district. Such notice shall contain the names of the town embraced in the inspection district to which it relates, and the time, place and objects of the meeting. The examination of the teachers thus held shall be public, and shall be conducted by oral and written questions and answers, which shall be uniform in his district. Whenever, for any cause satisfactory to the county superintendent, any person desiring a certificate as a teacher shall be unable to attend upon such examinations, he may be examined at any time fixed by him, and if found qualified by law to teach, may receive a certificate of the proper grade, which shall remain in force until the next regular examination in such inspection district.

Uniformity in examinations does not mean that the same questions shall be submitted to each applicant; but that throughout the superintendent's district the tests employed shall be as nearly uniform in scope and thoroughness as practicable.



Although the certificates granted upon special examinations are of short duration, yet they should be based on tests as thorough as those required in public examinations. Private examinations are avoided by some superintendents by appointing a supplementary examination late in the season. Good judgment will be required to avoid submitting questions that are so difficult as to exclude competent, or so slight as to admit incompetent persons.

**Superintendent to attend convention** — SECTION 461a. 1. It shall be the duty of every county superintendent of schools in this state to attend annually at least one convention of county superintendents, called and held by the state superintendent for the purpose of consultation, advice and instruction with county superintendents of schools upon matters pertaining to supervision and management of public schools.

**Expenses, how paid** — 2. All actual and necessary expenditures for traveling from his residence to the place of holding the nearest and most accessible convention, and returning thereto, and for board and lodging during the time of actual attendance on such convention, shall be paid by the county in which the superintendent resides, and bills for such expenses shall be audited and allowed by the several county boards of supervisors, upon the presentation of the same with the certificate of the state superintendent attached thereto, showing that the claimant attended such convention for the number of days specified in the bill; provided, not more than one such account shall be paid in each year.

**Superintendent not to teach** — SECTION 461b. 1. No county superintendent of schools (except as hereinafter provided) shall engage in teaching during the term for which he was elected, nor shall any person under contract to teach be qualified to hold the office of county superintendent of schools.

**Nor engage in other pursuits** — 2. No county superintendent of schools shall engage in any profession or occupation, nor shall he absent himself from the county or district for which he is elected, to engage in any occupation, profession or pursuit during the term for which he is elected, for such time or in such manner as to interfere with the proper discharge of his duties as superintendent of schools.

**Penalty** — 3. Any county superintendent of schools who neglects or violates any of the provisions of sub-divisions 1 or 2 of this section shall be subject to removal from office.

**When act not to apply** — 4. None of the provisions of this section shall be applicable to counties in which the salary of county superintendent of schools is less than eight hundred dollars per annum.

**Where superintendent may reside** — SECTION 461*c*. 1. Whenever the county seat of any county in this state is located in an independent city, with a separate superintendent of schools having jurisdiction only in such city, it shall be lawful for the county superintendent of schools to reside in such city and to keep an office in the public building or other place provided for that purpose by the county, notwithstanding such county seat may not be under the jurisdiction of the county superintendent of schools.

2. Whenever any county in this state shall be divided into two superintendent districts, and two county superintendents of schools shall be elected in and for said county, it shall be lawful for such county superintendents of schools to reside at the county seat of the county in and for which they were elected, and to keep an office in the public building belonging to the county, or other place provided for that purpose by the county, notwithstanding such county seat may not be within the jurisdiction of either of such county superintendents of schools.

**County boards may allow county superintendents' traveling expenses** — SECTION 461*d*. The county board of supervisors of each county in this state may allow the county superintendent of schools such sum over and above his salary as superintendent, as he shall certify that he has actually expended in defraying his traveling expenses when engaged in his official duties; provided such reimbursement shall not exceed two hundred dollars in any one year; such expenses shall be audited and allowed by the county board of supervisors at its annual meeting in November of each year.

It is left to the discretion of the board to determine when the exercise of the authority conferred by this section will contribute to the efficiency of the supervision.

**County examination fees and teachers' institutes** — SECTION 461*e*. Any applicant presenting himself for examination by any county superintendent of schools for a certificate entitling him to teach in the county superintendent's district shall, before such examination is entered upon, pay to the said county superintendent an examination fee of one dollar.

2. Any person making application to any county superintendent for the issuance of a certificate based upon papers written in an examination held in another superintendent's district, under the provisions of section 450, of this chapter, shall, before the

issuance of such certificate, pay to the county superintendent to whom the application is made an examination fee of one dollar.

3. Any graduate of a high school making application to any county superintendent for the countersigning of his certificate of graduation or diploma, under the provisions of section 452a, of this chapter, shall, before such certificate of graduation or diploma shall be countersigned and delivered, pay to the county superintendent to whom the application is made an examination fee of one dollar.

4. All moneys paid to the county superintendent under the provisions of this act shall constitute an institute fund and shall be used under the direction of the county superintendent in defraying the necessary expenses, in whole or in part, of conducting one or more teachers' institutes annually for the instruction of the teachers in his district in the theory and art of teaching in the branches taught in the common schools; and in compensation for lectures at such institutes by others than the conductors and county superintendent. No person shall be employed by any county superintendent of schools under the provisions of this section, as institute conductor or lecturer, who is engaged in publishing text-books or dealing in school supplies, or who is an agent or employee of any individual or company thus engaged, or who is proprietor or manager of or in any way pecuniarily interested in any teachers' employment agency or bureau; nor shall the committee on teachers' institutes of the board of regents of normal schools approve any such person for services in institutes provided for in this section; nor shall any such person be employed as instructor or lecturer in any institute supported in whole or in part by the state.

5. The county superintendent shall annually make and file with the county clerk of the county within which he resides a statement, verified by his affidavit, giving the names of all persons examined by him since the beginning of the term he is then serving, or since the date of his last statement, together with the dates when such persons were examined. He shall also embody in the same statement the names of all persons to whom certificates have been issued upon papers written in another superintendent's district, and the dates when such certificates were issued, and also the names of all persons, graduates of high schools, whose diplomas he has countersigned, together with the dates of countersigning. At the expiration of his term of office the county superintendent shall file with the county clerk a sworn statement similar to those hereinbefore provided for in this section, covering the time from the close of his last regular series of examinations to the close of his term, and he shall embody in such statement a summary, giving the number of persons in each of the three classes herein named and of all the per-

sons so reported by him to the county clerk during his term of office; the amount of fees received by him during his term of office, the amount paid out by him, and the amount remaining in his hands. And he shall pay over to his successor in office all moneys thus remaining in his hands at the expiration of his term of office.

6. All moneys collected by the county superintendent under the provisions of this section shall be paid out each year for the purposes specified in subdivision 4, of this section, and for no other purposes. Each payment shall be entered in a book kept by the county superintendent for that purpose, which shall be open to public inspection, and be by him delivered to his successor in office, and shall be accompanied by a statement of the name of the person to whom the payment is made, and the character of the service rendered, or material furnished. No money shall be paid for services rendered as an instructor in any institute, unless the person rendering such service shall hold a certificate signed by the state superintendent, certifying that the committee on institutes of the board of regents of normal schools approves of said person as a competent institute instructor. The said committee on teachers' institutes is hereby authorized and directed to prepare annually and transmit to each county superintendent in the state a list of persons approved by the committee for service in the institutes herein provided for.

7. The county board shall require the county superintendent to give bonds with good and sufficient sureties, for the proper performance of the duties prescribed by this section, in an amount which shall not be less than twice the amount likely to be collected and disbursed by him annually under this section.

**County and city superintendents to furnish information of blind or deaf persons of school age**—SECTION 461f. It shall be the duty of each county and city superintendent of schools to send to the superintendent of the state school for the deaf at Delavan, and to the superintendent of the state school for the blind at Janesville, the address of parents, with the name and age of each deaf or blind child known to be in his county or city, and to inform parents, guardians and custodians of deaf mutes and blind children in his county or city, respecting the several schools for deaf mutes and the blind in the state, and the conditions of admission to them; and for this purpose, the superintendents of such institutions shall provide each such superintendent with sufficient printed information and with the names and residences of all deaf mutes and blind children known to be in his county or city. And each such superintendent shall include in his annual report to the county board of supervisors or the city board of education a statement

of the number of deaf mutes and of blind children of school age in such county or city then receiving an education, or the number of each not receiving an education, and of the number of personal visits he has made during the year upon the parents, guardians or custodians of such children, to induce them to give such children a proper education.

**Qualifications of county superintendents** — SECTION 461*g*.

1. No person shall be eligible to the office of county superintendent who shall not at the time of his election or appointment have taught in the public schools of the state for a period of eight months, and who shall not at the time of such election or appointment hold a certificate entitling him to teach in any public school in the state, or a certificate to be known as a county superintendent's certificate, and which shall be issued by the state superintendent after examination by, and upon the recommendation of, the board of examiners for state certificates.

2. The board of examiners for state certificates shall, at the time of holding the regular examinations for state certificates now provided for by law, examine all applicants for the county superintendent's certificate herein provided for, upon the branches upon which examination is now required for a first grade county certificate, and also upon school law, upon the organization and management of district schools, and upon the supervision of district schools.

3. The board of examiners for state certificates shall, in addition to the examination now provided for by law, hold in the month of July in each year, three examinations simultaneously at three different points in the state. The points where such examinations shall be held shall be determined by the state superintendent, and shall be chosen with reference to the accommodation of applicants in different parts of the state. The examination so held shall be for the purpose of examining applicants for the county superintendent's certificate herein provided for. Each of the three examinations shall be held under the supervision of a member of the board of examiners, but the scope and character of the examination shall be previously determined by the board of examiners and the state superintendent. Printed questions shall be prepared on each subject upon which the applicant is required to be examined, and the board of examiners shall examine the papers written by applicants and shall file all papers so written in the office of the state superintendent.

4. All persons passing the examination prescribed in subdivision 3, of this section, to the satisfaction of the board of examiners for state certificates, and who shall furnish satisfactory testimonials of moral character to the board of examiners shall,

upon the recommendation of the board, receive from the state superintendent the county superintendent's certificate, which together with the eight months' experience in teaching in the public schools provided for in subdivision 1 of this section, shall constitute a legal qualification to hold the office of county superintendent of schools. It shall also legally qualify the holder to teach in any public school in the state for which a first grade county certificate is now a legal qualification. Such certificate shall remain in force until revoked by the state superintendent in accordance with the provisions of law.

5. The county clerk shall not place the name of any person upon the official ballot as a candidate for the office of county superintendent of schools, unless such person shall have filed in the office of the county clerk, at least fifteen days before the date on which the election is to be held, proof of having successfully taught in the public schools of the state for a period of eight months, and a copy of the certificate required by this section.

6. The provisions of law for payment of expenses and per diem of members of the board of examiners while conducting examinations for state certificates, shall extend to the examinations herein provided for, for the county superintendent's certificates.

7. The provisions of this section shall not operate to disqualify for re-election any person holding the office of county superintendent of schools at the time of its passage, nor any person who has at any time held the office of county superintendent of schools in the state of Wisconsin.

The certificate provided for by this section, together with eight months' successful experience in teaching, constitutes a legal qualification to hold the office of county superintendent. It also legally qualifies the holder to teach in any public school of the state for which a first grade county certificate is now a legal qualification, and remains in force during the life of the holder, unless sooner revoked by the state superintendent.

An applicant for the county superintendent's certificate will be permitted to begin his examination at any regularly appointed meeting, but must complete it before the corresponding examination in the ensuing year. Within the time herein fixed, re-examination will not be required upon branches in which a satisfactory standing has been attained.

Satisfactory written testimonials of moral character must be furnished to the examiners at the time of the first examination.

Any one of the following documents entitles its holder to teach in any public school in the state, and hence is the certificate required by the provisions of the law above quoted:

1. The Unlimited Wisconsin State Certificate.
2. The Limited Wisconsin State Certificate for five years from the date of the certificate.
3. A diploma granted upon the completion of a regular collegiate course of the Wisconsin State University, or of a Wisconsin state normal school, if countersigned by a Wisconsin state superintendent.
4. An elementary certificate, granted upon the completion of the elementary course of study of any one of the Wisconsin state normal schools for five years after the date of countersignature by a state superintendent.
5. Any college or university diploma, bearing the countersignature of a Wisconsin state superintendent.
6. A special license granted by a Wisconsin state superintendent, upon recommendation of the state board of examiners, authorizing the holder to teach for one or two years in any public school in Wisconsin.
7. A diploma granted upon the completion of the course of study of the Milwaukee high school and the normal department thereof, if countersigned by a Wisconsin state superintendent.
8. A limited state certificate or a first or second grade county certificate countersigned by a Wisconsin state superintendent under the provisions of chapter 303, laws of 1882. (Chapter 303, laws of 1882, has been repealed.)
9. A state certificate granted by any other state, that has been countersigned by a Wisconsin state superintendent.
10. The county superintendent's certificate, issued by a Wisconsin state superintendent in accordance with section 461g given above.
11. The certificate authorized by section 458d.

## V. REPORTS.

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**Of district clerks** — SECTION 462. It shall be the duty of the district clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the town, city or village clerk, a written report, dated on the tenth day of July of such year, signed by him and verified by his affidavit, showing:

**Number of children — Who not to be counted** — *First.* The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district, and the names of their parents, guardians, or other persons with whom such children resided, respectively, on the last day of June preceding. But no such children residing in, held or cared for at any charitable or penal institution of this state, shall be included in such enumeration or report. And whenever the state superintendent shall receive information that any such children have been enumerated in the school census of any school-district included in the reports made to him, on the basis of which apportionment of money from the school fund income is made, he may require from the district clerk or the secretary of the board of education of said district a verified statement of the whole number of children of school age residing in the district not excluded by the provisions of this section in such form and manner as the said superintendent may prescribe. Unless the certificate herein provided for shall be made, no money shall be apportioned for the benefit of said school-district.

**Designation to be separate** — *Second.* The whole number of children, males and females designated separately, between the ages of four and twenty years, taught in the district school during the year, for which such report is made, by teachers duly qualified (see section 462a).

**School attendance** — *Third.* The number attending school during the year, under the age of four, and the number over the age of twenty years.

**Time school taught** — *Fourth.* The whole time, in days, any common school has been taught in the district including



holidays, and the whole number of days such school has been taught by teachers qualified according to law, including holidays and the days the teachers may have attended an institute during the year while the school was in session, for which no deduction in wages was made by the district board.

**Names of teachers, wages, etc — Fifth.** The names of all teachers employed during the year, the number of days taught by each; including the holidays, and the monthly wages paid to each, and the time allowed any teacher for attendance on any institute, for which no wages were deducted.

**Receipts of money — Sixth.** The amount of money received from the town treasurer during the year, designating separately the amount received from apportionment of the school fund income, the amount received from tax levied by county board of supervisors, the amount received from tax voted by the district, and the amount received from all other sources during the year, and the manner in which the same has been expended, showing separately the expenditure of school money received from the state.

**General statistics — Seventh.** Such other facts and statistics in relation to the schools, public or private, in such district, as the state superintendent may from time to time, require. The clerk of each joint school-district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the schoolhouse is situated.

**Names of children to be taken — SECTION 462a.** In addition to the duties of the clerks of the several school-districts of this state, relating to the taking of the census of the school children, as now provided by law, the said clerks shall also report the names of the children in their respective districts, and the age of each of them over the age of four and under the age of twenty years. Such clerk shall also report the amount of the indebtedness of their respective districts.

Careful attention should be given to the provisions of this law. The annual report of the district clerk to the town clerk is of special importance, as it forms the basis upon which all public money is apportioned and also furnishes the information that guides the legislature in subsequent enactments.

For the purpose of securing accurate and complete information, blanks are prepared by the state superintendent and are

transmitted to district clerks through town clerks. Specific instructions are printed on these blanks to aid in collecting and reporting the required items. A thorough study of them should be made in connection with the provisions of this law prior to making the report. No effort should be spared to obtain and report every item for which the blanks provide.

The law requires the name and age of each child who has passed the fourth anniversary of his birthday, and has not reached the twentieth, to be reported; also the names of their parents, guardians or other persons with whom they resided on the last day of June preceding. These are items that can be obtained with certainty only by a visit to each family in the district. The law requires the clerk to take the census in this manner. In the enumeration of children mere boarders or lodgers are not to be included; but persons who devote a part of their time to service to pay for their board and lodging while the rest is spent in attendance at school, and *who have no other legal residence*, are considered members of the families with which they reside. Children of school age who may be employed for a limited time in one district and whose parents reside in another district are to be included in the census of the district in which their parents reside. Care should be taken that the same children are not enumerated in two districts. (See comments on sections 428 and 430.)

The clerk of a joint school district must report in the manner above stated the number of children of school age residing in each part of his district to the town clerk of the town in which such part is situated. A partial report blank is furnished for this purpose. To avoid reporting the same child to more than one town clerk, the census of each part of a joint district should be taken upon a separate blank which, when completed, should be sent to the clerk of the town in which such part of the district lies. *In no instance should the whole number of children in a joint school-district be reported to any one of the town clerks to whom a report is made.*

Several items are required for the annual report, which are

to be obtained from the school register, among which are the number of children that have attended school during the year, the whole number of days school was taught by a legally qualified teacher, the whole number of days of attendance of pupils at school, etc. To facilitate the work of making the annual report, clerks should see that the register is properly kept and the footings made at the close of the term. Section 460 provides a remedy, resort to which may be had in case the teacher refuses to perform his duty.

The clerk's annual report must contain an exact summary of the financial report which section 444 requires the treasurer to make at the annual meeting. This report includes all items of receipts and all items of expenditures made during the year ending on the thirtieth day of June preceding. *The proper test of its correctness consists in comparing the sum of the items of receipts with the sum of the items of expenditures. Their difference should equal the amount of money on hand on the date mentioned above.* Unless this is true, the statement is wrong, and should be corrected before transferring it to the report blank.

Reports should be in the hands of town clerks as early as the fifteenth of July. Any failure to make the report within the time specified, results in great inconvenience to the officers through whose hands it must pass, and subjects the school district to the risk of forfeiture of its claim to public money. When the failure to comply with the requirements of the law relating to the annual report is due to wilful neglect of the clerk, he becomes personally liable to the district for the loss suffered in consequence of his neglect. (See section 498.)

To entitle a district to share in the apportionment of the school fund income, it must be shown that at least six months' school, of twenty days each, taught by a legally qualified teacher, was maintained during the preceding year. Legal holidays are included. These are New Year's day, the twenty-second of February, the thirtieth of May, the fourth of July, the day of general (fall) election, Christmas day, and thanksgiving days appointed by national or state authorities. Section 2577,

R. S., provides, that whenever a legal holiday falls upon Sunday, the succeeding Monday is a legal holiday. When a legal holiday occurs on Saturday or during vacation, it cannot be counted as a day taught. (See comment on section 459.)

**Town clerk's report to county superintendent** — SECTION 463. Each town clerk shall, on or before the first day of August in each year, make and transmit to the county superintendent of the county or district in which his town is situated, a report, bearing date on the tenth day of said month, stating:

1. The whole number of school-districts separately set off within the town, and the number of parts of joint districts in which the schoolhouses belonging thereto are located in his town.

2. The districts and parts of districts from which reports shall have been made within the time limited for that purpose.

3. The length of time a school shall have been taught in each such district or parts of districts.

4. The amount of public money received in each.

5. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

6. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board, the amount raised by the town at its annual meeting, in towns where the township system of school government has been adopted.

7. The amount of money raised by district tax for school purposes.

8. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may require, and as may be reported to him by the district clerks.

Blank reports, prepared by the state superintendent, are annually sent to town clerks. Such instructions as are needed always accompany the blanks.

In towns which have adopted the "township system of school government," the report required in the foregoing section will be made by the "secretary of the town board of school directors, as provided in section 537 of the revised statutes, upon the same blanks as are used by town clerks in other towns.

**County superintendent's report to the state superintendent**—SECTION 464. Each county superintendent shall, on or before the fifteenth day of August, in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his district, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district, and of each secretary of town board of school directors of towns having the township system of school government, and of the clerk of each incorporated village and city under his supervision. Each county superintendent shall also, within the time above mentioned, make and deliver to the county clerk and to the county treasurer a written statement of the whole number of children in each town, village and city under his supervision, over the age of four and under the age of twenty years, returned from the districts which have maintained schools for six or more months during the past year as appears from the reports of town clerks.

The county superintendent must now make his annual report by August 15, but is no longer required to file a copy with the county clerk.

All necessary instructions accompany the blanks annually furnished to county superintendents from the office of the state superintendent. *The greatest care should be exercised in making the annual report required by section 464, for it is upon this that the annual apportionment is made.*

**Reports from cities and villages**—SECTION 465. The city clerk of each city, and the village clerk of each specially incorporated village, or the clerk of the board of education of each city and village under the jurisdiction of the county superintendent, shall, within the time prescribed, make and transmit to him the reports required by section four hundred and sixty-three; and in all cities having a superintendent of schools, and which are not under the jurisdiction of a county superintendent, such superintendent of schools shall make the annual report required by said section directly to the state superintendent; and in such cities, having no superintendent of schools, such report shall be made by the clerk of the board of education thereof.

The clerks of cities (under county superintendents) and of

villages use the same blanks as town clerks, and receive the reports of the district clerk or clerks.

**Blanks to be furnished** — SECTION 466. The state superintendent shall, on or before the first day of June in each year, furnish to each clerk, superintendent, or other officer by whom a report should be made, blank forms upon which such officers shall make their annual reports; and whenever any amendments shall be made to the provisions of this chapter, he shall furnish a copy of such amendments to every school-district in the state-

## VI. DUTIES OF TOWN OFFICERS RELATING TO PUBLIC SCHOOLS.

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**Town clerk's duties** — SECTION 467. It shall be the duty of the town clerk:

1. To report to the county superintendent within ten days after his election or appointment, his name and postoffice address, and likewise the name and postoffice address of each district clerk, within ten days after the same are filed in his office.

2. To see that the annual reports of the several district clerks are made correctly and in due form; to file and safely keep all reports whatsoever made to him; and all orders and notices of the town board relative to any school-district.

3. To record such description of school-districts, and such orders concerning the organization, alteration or dissolution thereof, as shall be made by the town board.

4. To make and keep in his office a map of the town, showing the exact boundaries of all the school-districts therein, as appear from the records on file; and when a new district is formed, to make and furnish a map thereof to the district clerk.

5. To apportion the school money collected by the town, and that received from the state for the several school-districts of the town, on the third Monday of March each year, or as soon as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, as provided in these statutes. See form No. 26.

Further duties of the town clerk in regard to the apportionment of school money will be found in sections 558 and 559.

**Town treasurer's duties** — SECTION 468. It shall be the duty of the town treasurer:

1. To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys collected in the town for the support of the schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk.

2. To pay to the district treasurer, on demand, all school district taxes raised in each district and collected by him, and the amount of all school-district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been paid to him by said county treasurer, or whenever he shall receive credit from the county treasurer for such delinquent tax or any part thereof, on account of any demand or claim due from such town to such county.

3. On or before the second Monday of March in each year, to certify to the town clerk the amount of school money in his hands to be apportioned by said clerk, and immediately upon the receipt of any money from the school fund income to certify the same to the said clerk for apportionment. See form No. 27.

4. On the last Monday in June in each year to make and forward to the clerk of each school-district, in whole or in part in his town, a certified statement of the amount of money paid by the town treasurer during the year next preceding to such district treasurer, specifying the date and amount of, and the account upon which each such payment was made.

5. If the county treasurer shall neglect or refuse to pay over the school money which by law should be paid to the town treasurer, he shall commence and prosecute an action on the official bond of such county treasurer for the recovery of such money.

The town treasurer will hold, subject to the order of the several district treasurers of his town, all district taxes collected by him. Also, all money raised by taxes levied upon the town by the county board of supervisors, and all money raised by the town in addition thereto, and pay the same over to the several district treasurers, according to the apportionment made by the town clerk under the law. He will also receive from the county treasurer the amount apportioned by the state superintendent to his town, out of the income of the school fund, and pay the same over to the district treasurers according to the apportionment made by the town clerk. The town treasurer will also receive all money paid on account of delinquent taxes, and pay the same over to the proper district treasurers. No school taxes except district taxes will be returned, if the law is complied with.

It is the duty of the town treasurer to notify the town clerk of any money which he holds subject to apportionment by said



town clerk, and to inform district treasurers promptly of any funds in the town treasury belonging to the respective districts.

District treasurers are not required to accept any taxes or school funds from the town treasurer in anything but cash.

The certificate required to be made on or before the second Monday in March, in each year, must state specifically the several amounts received from town and county tax, and the amount of income unapportioned which remains in the town treasury; it must also include any money apportioned the previous year, which has not been paid over to the district treasurers. Reference is here made to section 557.

The purpose of the certified statement to the district clerk of the amount of money paid by the town treasurer during the year next preceding, to the district treasurer, is to give the district clerk the data upon which settlement with the district treasurer can be made in time for report at the annual meeting. As the annual meetings are now held on the first Monday in July, the statement should be furnished earlier.

## VII. ASSESSMENT AND COLLECTION OF DISTRICT TAXES.

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**Assessment, how made** — SECTION 469. All school-district taxes, unless otherwise specially provided by law, shall be assessed on the same kinds of property as taxes for town and county purposes; and all personal property which, on account of its location or the residence of its owner is taxable in the town, shall, if such locality or residence be in the school-district, be likewise taxable for school-district purposes.

**Valuation of real estate** — SECTION 470. Whenever any real estate in any school-district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

**Assessment in joint districts** — SECTION 471. In case of a joint district, the town assessors of the towns in part embraced therein shall meet at the district schoolhouse on or before the Saturday next preceding the time fixed for the return of the assessment rolls, and shall then compare the valuation of taxable property in the several parts of such district separated by town lines, and determine whether the relative valuation be just or not; if considered unjust, they shall then determine the relative proportion of district taxes to be assessed upon the several parts. If they cannot agree upon either of said matters, they shall call to their aid the supervisors of the several towns so in part embraced; if the assessors and supervisors cannot determine the question, they shall call to their aid the chairman of an adjoining town, whose vote shall decide the controversy. The determination when made shall be certified in writing to the district clerk. If any assessor or supervisor shall refuse or neglect to act when called on as above provided, he shall forfeit twenty dollars. See form No. 29.

**Statement to be made by district clerk** — **Joint districts** — SECTION 472. Each district clerk shall, on or before the third

Monday of November, in each year, deliver to the town clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and all of the taxes voted at any special meeting held during the then next preceding year, and also the amount of tax therefor voted to be collected in such year, if any, for the annual payment of any loan, and also the amount to be paid by such district, if any, under the provisions of section 421 of this chapter. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified showing the proportion of such taxes to be assessed in that part of the district within such town. If such proportion shall not have been determined as provided in the last preceding section, it shall be ascertained from the valuation contained in the last assessment rolls of the respective towns; and to that end the town clerk of each such town shall, on or before the last Monday in September in each year, deliver to the district clerk a certified statement of the valuation of the real and personal property in that part of such district lying within his town, as the same appears from said assessment roll. See forms Nos. 30 and 31.

**How assessment made by town clerk** — SECTION 473. The town clerk shall assess the taxes so certified, upon the property liable thereto, placing the same in a separate column, in the next tax roll of his town, whenever so certified, before he shall have delivered the roll to the town treasurer for collection, although after the third Monday of November, if any such shall not be assessed in the next tax roll after being voted, it shall be assessed in that of the next succeeding year. Such taxes shall be collected, or returned delinquent by the town treasurer and collected by the county treasurer, in all respects like other taxes.

Upon the delivery to him of such statement, the town clerk should give the district clerk a certificate that he has received the same, stating the amount of the tax, and the time when received, which certificate should be filed in the office of the district clerk.

## TOWN SCHOOL TAX.

In the statutes as newly revised, no authority is to be found, either in the powers conferred upon towns, or in the school code, under which towns can vote a school tax, except such towns as have adopted the township system. With the general introduction of the township system, the local support of schools would be a common town charge. *Care should be taken not to include in the blank for report, in the financial statement of district clerks, the amount raised in the town as county school tax in the item "From tax levied at annual town meeting."* That item is for use only where the township system of school government is in use.

### VIII. BORROWING MONEY.

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**When — Security** — SECTION 474. Whenever upon any unusual exigency any school-district shall, before the annual meeting, vote a special tax to be collected with the next levy, the district may by vote authorize the district board to borrow for a period not exceeding one year a sum not exceeding the amount of such tax, and by such vote set apart such tax when collected to repay such loan; and thereupon the district board may borrow such money of any person, and on such terms, and execute and deliver to the lender such obligation therefor, and such security for the repayment, including a mortgage or pledge of any real or personal property of the district, subject to the directions contained in the vote of the district, as may be agreed upon and not prohibited by law.

The district may, at any time before the annual meeting, upon any unusual exigency, vote a special tax to be collected with the next levy (notice of such purpose being duly given, as provided in section 427), and the district may authorize the board to borrow the same amount for immediate use.

**How board authorized to borrow for building purposes** — SECTION 475. For the purpose of aiding in the erection of a schoolhouse, any school-district may by vote at any annual or lawfully called special meeting authorize the district board to borrow money. The resolution to be voted on shall be in writing, specifying the amount to be borrowed, the rate of interest and the time and manner of payment, which shall be in annual installments, the last of which shall be payable in not exceeding ten years from the first day of February next ensuing. Such resolution shall be read to the meeting and the vote taken thereon by ballot. The ballots shall be written or printed: those in favor, "for the loan;" those opposed, "against the loan." The resolution and the vote shall be recorded, and if adopted by a majority, the district board shall be thereupon authorized to borrow such sum of any person, on such terms,

and execute and deliver to the lender such obligation therefor and such security for payment, including a mortgage or pledge of any real or personal property of the district, subject to the direction contained in the resolution voted, as may be agreed upon, not prohibited by law, and shall also levy a tax to be annually collected thereafter sufficient to pay the interest annually on such loan, and the annual installment of the principal, provided to be paid in each year.

**Application of borrowed money** — SECTION 476. The money borrowed under authority of either of the last two preceding sections shall be paid into the district treasury, and be expended only for the purposes for which it was voted or borrowed. After any such loan shall have been made, no power shall exist to rescind or reconsider any such vote, or obstruct the collection of such tax; and the district treasurer shall apply every such tax, when received by him, exclusively to the payment of such debt, so far as necessary to discharge the amount to which such tax was devoted.

The special provisions of the law as to borrowing money to aid in building a schoolhouse, should be carefully examined and complied with; likewise those contained in the last preceding section, which apply to both the sections preceding it. Particular care should be taken to notify the electors, as provided in section 427, and every opportunity should be given for a fair and full expression of the will of the people.

The resolution to be voted on at the meeting should be carefully drawn up, and the collection of a direct annual tax sufficient to pay the interest on the debt as it falls due, and also to pay and discharge the principal within twenty years (ten years if the money is to be borrowed from the state trust funds) of the time of contracting the debt must be provided for by the electors at the meeting. The district board has no authority to levy a tax except as provided in section 437.

**1. Refunding indebtedness** — SECTION 476a. Any school-district may, by vote at an annual or lawfully called special meeting, authorize the district board to borrow money for the purpose of refunding its indebtedness upon loans previously made. A written resolution shall be presented and read at such meeting, specifying the amount to be borrowed, the rate of interest, and the time when each installment of principal shall be paid and the amount of each installment; the last in-

stallment of principal, however, shall be payable in not exceeding twenty years from the time the indebtedness was originally contracted. The vote on such resolution shall be taken by ballot. The legal voters favoring the adoption of such resolution shall cast a ballot on which shall be the words, "for the loan;" those opposed shall cast a ballot on which shall be the words, "against the loan." If a majority of the votes cast are in favor of the loan, the district board shall be thereupon authorized to borrow such amount from any person or persons, on such terms as may be agreed upon, not in conflict with the directions contained in such resolution, and not prohibited by law; and the board shall execute the bonds or other obligations of the district, in such sums not exceeding the amount so voted as to the board shall seem best, and deliver the same to the person or persons lending such money. The district shall also levy a tax to be collected annually thereafter sufficient to pay the annual interest on such loan, and the installments of the principal to be paid in any year.

**Vote not to be rescinded — Tax, how applied — 2.** After any such loan shall have been made, such vote shall not be rescinded or reconsidered, nor shall the collection of such tax be obstructed, and the tax when collected shall be applied exclusively to the payment of such indebtedness.

**Money, how used — 3.** The money borrowed by authority of this section shall be paid into the district treasury, and shall be expended solely for the purposes for which it was borrowed.

This law relates only to refunding loans previously made, not to loans made in the first instance by school-districts, and authorizes such districts to extend the period for twenty years during which the loan is to be paid.

The law governing loans is embraced in the following sections:

**Conditions of loans to school-districts — SECTION 261.** Every loan to a school-district may be made for such time not exceeding ten years and of such amount which together with all other indebtedness of such district shall not exceed five per centum of the last preceding assessed valuation of the real property in such district and not exceeding in any case ten thousand dollars, as may be agreed upon; the principle shall be payable in equal annual installments from a time fixed by said commissioners, with interest at the rate of six per centum annually in advance. No such loan shall be made until proof be filed in the

office of said commissioners, of the complete performance on the part of such district of each and every act hereinafter required to precede the same; provided, that the amendment herein contained shall not apply to loans heretofore made.

*four*  
**Terms and conditions** — The commissioners of public lands of the state of Wisconsin are hereby authorized and empowered to loan the trust funds of the state at a rate of interest not less than five per centum per annum; provided, all such loans shall be made in accordance with the provisions of chapter 17 of the revised statutes and the several acts amendatory thereof.

**Application for loans by school districts** — SECTION 262. Before applying for such loan, every school-district shall authorize such application by a vote of a majority of the legal voters of said district voting on such question; and if at a special meeting, the object of such meeting shall be clearly stated in the notice thereof, and such district shall not thereafter rescind said tax, reconsider such vote, or in any wise hinder, delay or postpone the levy and collection of the tax so voted, and shall not expend the money so raised or loaned for any other purpose. Application for such loan shall be made by the district board of such school-district in writing, stating the amount required, the assessed valuation of the taxable real property of such district, and the total assessed valuation of the taxable property of such district as shown by the last assessment roll; and if such district be a joint district, such assessed valuation in its several parts separately, so that the valuation of so much thereof as lies in each town of which it is a part may be readily known; and the total amount of all the other indebtedness of such district and the facts in detail in respect to the holding of the meeting and passing the votes required as aforesaid, and shall be accompanied by a correct map or plat of such district. Such application and map shall be recorded in the office of said commissioners; and such application and the record thereof and such statement shall be conclusive evidence of the facts therein stated. All such applications shall be acted upon by the said commissioners in the order of time in which they shall be filed.

**Loans to schools under township system** — SECTION 262a.

1. The board of school directors of any town in which the township system of schools exists may borrow money from the trust funds of the state for the purpose of building a schoolhouse, or schoolhouses, and the commissioners of the public lands are hereby authorized to loan money from the trust funds of the state to the board of school directors of any town in which the township system of schools exists, upon their compliance with the following rules and regulations:



1st. If at an annual meeting of the electors of such town a resolution shall be voted on by ballot and adopted, authorizing the said town board of school directors to make application to the commissioners of the public lands therefor, stating the amount to be borrowed and the time of payment.

2d. Such authorization may be given such town board of school directors by a special meeting of such electors, called in the same manner as special town meetings are provided to be called by the revised statutes.

**General laws to apply**—2. After such authorization shall be given, the whole matter of such loan, both as to amounts and time of payment, as well as all other matters pertaining to same, shall be governed and controlled by the general law governing loans from the trust funds of the state to school-districts, found in sections 261, 262 and 263, of the revised statutes, except that the application shall be made and signed by the president, vice-president and secretary of such board, and the notes given as evidence of such debt shall be signed by the same three officers. The town treasurer shall receive and receipt for the moneys received on such loan, and pay it out as other moneys belonging to such township district for the purposes as provided for in section one of this act.

**Property liable for loans—Change of boundaries—Taxes—Joint districts—Duty of officers**—SECTION 263.

All the taxable property in any school-district, which has heretofore obtained or shall hereafter obtain any loan from the state, shall stand charged for the payment of the principal and interest thereof; and the boundaries of such district shall not be so altered as to exclude therefrom any land included therein at the time of making such loan, until such loan shall be fully paid, without the consent of said commissioners and upon such terms as they shall prescribe; and there shall be annually levied upon the taxable property of such district, besides all other taxes, a tax sufficient to pay the annual interest, and annual installments of principal, of such loan, as hereinafter provided. Whenever a joint school-district shall make any such loan, the clerk of such district shall notify, in writing, the town clerks of the several towns of which such district is composed, of such loan and the terms thereof; and thereafter the town clerk of each town shall on or before the second Monday of September in each year, until such loan be paid, transmit to the secretary of state a statement certified by him of the valuation of all taxable property belonging to that part of such district which lies in his town according to the last assessment roll; or, if the same shall have been equalized, as provided in section four hundred and seventy-one, such equalized valuation thereof. The secretary of state shall in every year furnish to the county clerk of each county, in

which lies any such school-district or part of district from which any such payment is to become due, the amount to be levied upon such district, or, if a joint district, upon each such part of such district as lies in any town in such county, at the same time that he furnishes that officer a statement of the state tax. In apportioning such tax to the parts of a joint school-district lying in separate towns, the secretary of state shall take as the true valuations the valuations of the taxable property stated in the application for such loan, until amended by the certified statements aforesaid of the town clerks of all the towns in which such joint district lies. The county clerk, on receiving such statement, shall include the amount due from such district or part of district in his apportionment of state taxes to the town; but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge and carry out such amount on his tax roll to the district or part of district to which it belongs, in a separate column, and the tax shall be collected and paid over with and in the same manner as the state tax.

## IX. ESTABLISHMENT OF SCHOOLHOUSE SITES.

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**How obtained** — SECTION 477. Whenever a school-district shall have designated by a majority vote of the electors thereof present at an annual meeting, or at a special meeting called for that purpose, a schoolhouse site, or an addition thereto, and shall be unable to obtain the same on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of his being a non-resident, or unknown, the district board, when directed so to do by a vote of the electors of such district meeting, shall make application to the town board of their town to locate and establish the site, or any addition thereto, so designated.

**Notice to land-owners** — SECTION 478. Whenever any such application shall be made to the town board, said board shall make and sign a notice in writing of such application, containing a description of the land upon which it is proposed to locate such a site or addition, and the time and place when and where they will meet to decide upon the same. Such notice shall be served or caused to be served by the district clerk, upon all the occupants of such land, and all the owners thereof who are known and are residents of this state, at least six days previous to the day fixed for such meeting. Such notice shall be served by delivering a copy thereof to each such occupant and owner, or by leaving the same at their respective residences, with some person of suitable age and discretion; and if the owner or owners of said land be unknown to said board, or shall reside without this state, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.

**Compensation, how made** — SECTION 479. The town board shall meet at the time and place fixed in said notice, and upon due proof of the service or publication of said notice, they shall locate and establish such site or addition for said district. They shall cause an accurate survey and description thereof to be made, and fix and award the compensation to be made to the respective owners for the same, including all damages respectively sustained by such owners by reason of such taking of said

lands, and within ten days thereafter make out and sign duplicate certificates, containing a statement of their action upon such application, an accurate description of the land taken, and the amount of compensation and damages awarded to each of said owners, one of which shall be delivered to the occupant or owner of the lands so taken, if known, and a resident of this state, and the other, together with the proofs of publication or service of said notice and such survey, to the clerk of said district, who shall cause said certificate to be recorded in the office of the register of deeds of the proper county; provided, that said board may, in their discretion, before agreeing upon their award, adjourn from time to time, not exceeding in all ten days.

**Payment, how made**—SECTION 480. The sum of money so awarded by said board shall be paid to the owner of the land upon which such site or addition is located, or in case the owner is a non-resident or unknown, or refuses to accept the money, it shall be deposited with the treasurer of the district to the order of the owner of said land; said district shall not occupy said land without the consent of the owner thereof, until such money shall be paid, tendered or deposited as aforesaid.

**Appeal from award, how taken and tried**—SECTION 481. Any person aggrieved by the decision of the town board, in the award of damages or otherwise, may, within twenty days after filing their duplicate certificate with the clerk of such district, appeal therefrom to the circuit court of any county in which such site or addition, or any part thereof, is situated, by filing with such clerk a notice of appeal, specifying all the grounds of his appeal, and paying to such clerk one dollar for state tax and one dollar for making returns thereto. Within twenty days thereafter, such district clerk shall deliver to the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal with the date of service thereof indorsed thereon, and pay to him one dollar state tax; and thereupon the clerk of said court shall enter an action in his court record, in which the said appellant shall be plaintiff and the school-district defendant. The issue in said action shall be the legality of all the proceedings taken by the school-district and town board in taking the lands of the plaintiff for such schoolhouse site or addition thereto, which are set forth in the notice of appeal as grounds therefor, and the amount of compensation and damages to which he is entitled therefor. Such issue shall be tried without further pleadings, as other issues of fact are tried, and judgment thereon be rendered and enforced as in other personal actions in such court; provided, that when the legality of the proceedings is not made an issue, or is sustained, and the plaintiff does not recover a larger sum for damages than was awarded to him, he shall not recover, but shall pay costs.

**Not more than one acre to be taken**—SECTION 482. No schoolhouse site shall contain more than one acre, unless with the consent of the owner of the land taken therefor. All land so taken against the will of the owner, when it shall cease to be used as a schoolhouse site or addition shall revert to the original owner, his heirs, or assigns; and no land shall be so taken that may not be taken for highway purposes, without the consent of the owner thereof.

**Proceedings by joint districts**—SECTION 483. If such application be made by a joint district, it shall be made to the town boards of the several towns in which such district is situated, and such town boards shall act together as one board in all proceedings as hereinbefore prescribed.

**Land of infant, how may be obtained**—SECTION 484. Whenever any school-district shall locate a site for a schoolhouse upon any land owned by an infant, or in which an infant has an interest, the circuit or county court of the county in which the land is situated may, upon application of the parent or guardian of such infant, authorize such parent or guardian to execute a perpetual lease of such site, not exceeding one acre in quantity; and when any such land is held in trust for an infant, his trustee may in like manner apply for authority to make such perpetual lease. All such leases shall vest in the lessee the interest of such infant and of his trustee in such land, so long as the same is occupied for school purposes. Such authority shall not be granted unless it shall be made to appear satisfactorily to said court that the premises are needed for school purposes, that the said school-district is willing to pay therefor a consideration deemed adequate by the court, and that the interest of such infant will not be prejudiced by reason of said lease; and before making such order the court shall require the person authorized to make such lease to give a bond to account for and pay over the consideration received therefor, as in cases provided by law for the sale of lands of minors.

The foregoing sections embody the laws in force as to the establishment of schoolhouse sites. The town board is to be called upon, not to select or designate a site in any case, but to locate and establish the same or any addition thereto, when the district cannot obtain it on reasonable terms, or because the owner is a non-resident.

The last section points out the course to be pursued when the site selected is on land owned by an infant, or in which an infant has an interest.

## X. LIBRARIES.

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Reference works, miscellaneous books and books for supplementary reading for school use may be obtained in three ways:

*First.*—Under subdivision 10 of section 430, which gives the school-district meeting power to appropriate certain sums of money for the school-district library.

*Second.*—Under section 486, which allows two or more districts to unite in purchasing and maintaining a joint library.

*Third.*—Under section 486a, known as the township library law. Nearly all the school district libraries of the state have been secured under this law, which has proved the most efficient and has secured the best results.

**Librarian — Actions** — SECTION 485. The clerk of the district, or such other person as the legal voters shall appoint, shall be the librarian, and have the care and custody of the district library, under the supervision of the district board. All actions relating to such libraries or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the proper school-district.

**Joint libraries.**—SECTION 486. The legal voters of any two or more adjoining school-districts may, with the approval of the town board, unite their libraries and library money and may purchase a joint library or additions thereto for such districts, to be selected by the district boards thereof or by such person as they shall designate, and to be under charge of librarians to be appointed by such districts boards. Every such joint library and its appurtenances shall be vested in, and all actions relating thereto shall be brought in the names of all the districts owning such joint library. In case such district shall desire to divide any such joint library, such division shall be made by the directors of the districts owning the same, or by the town supervisors, if such directors cannot agree; and any school-dis-

trict may donate and sell any book or books belonging to the district library, to the town in which it is situated, to form a part of the town library.

## REGULATIONS.

The following regulations for the management of school-district libraries are prescribed by the state superintendent, under the authority of section 166 of the revised statutes:

1. The district librarian shall have charge of the library, and shall keep a catalogue of all the books in a book to be provided by the district for that purpose.

2. Every volume in a library shall have pasted on the inside of the cover a printed paper, giving the name of the district; the number of the volume; the fine for not returning it within the specified time, and for the loss of or injury to any book. Blanks for this purpose will be furnished to districts upon application to the state superintendent.

3. Every volume loaned shall be entered by the librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged (see regulation 5); the date when returned, and condition of the book; the fine assessed for detention, or injury done to the book in the following form:

Time of delivery.	Number of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detention.	Fine for injury.
1890. June 10. . .	41	Jno. Ward.	W. Green.	June 24	Good.	.....	.....

4. No person shall be allowed to have more than one volume at a time, or to retain it longer than two weeks; nor shall any person who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

5. Books may be loaned to minors and charged to their parents, guardians, or other persons with whom they reside, who shall be responsible for the books under these regulations.

6. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets, papers, cases, and all other property belonging to the library which is in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the librarian shall carefully examine all books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the treasurer, the librarian shall certify the amount thereof to the treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

7. In case of vacancy in the office of librarian, the district clerk shall perform the duties of librarian until the vacancy is filled.

8. If any person, having held the office of librarian, shall neglect or refuse to deliver to his successor all the library property, as prescribed in the sixth regulation, the director shall forthwith commence an action in the name of the district board for the recovery of the property he shall so neglect or refuse to deliver.

9. On the return of any book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of the fine accordingly; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the district board.

10. The following fines are established by the state superintendent, viz.:

1st. For detaining a book beyond two weeks, five cents per week.

2d. For the loss of a volume, the cost of the book; and if one



of a set, an amount sufficient to replace it, or to purchase a new set.

3d. For a leaf of the text torn out or lost, or so soiled as to render it illegible, the cost of the book.

4th. For any injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted; and the fine for not returning the same be levied up to the time of such return; *provided*, that in no case shall the amount of weekly fines exceed double the cost of the book.

11. On the third Monday of August, November, February and May, and also immediately before he vacates his office, the librarian shall report to the district treasurer the name of every person liable for fines, and the amount each such person is liable to pay; and the treasurer shall give the librarian a certificate of the same, and immediately proceed to collect the same, and if not paid shall so certify to the director, who shall forthwith bring an action in the name of the district board for the recovery thereof.

12. All library fines shall be paid to the district treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of the fine, and the sum total of all fines, which report shall be recorded by the clerk; and the district treasurer shall be responsible for all fines uncollected through his neglect.

13. On the first day of July in each year, the librarian shall report to the district clerk as follows:

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year [*counting each volume once for each time it is loaned*];

5th. Amount of fines collected;

6th. Amount of fines expended;

7th. Amount of fines remaining unexpended.

14. The library fines collected must be first applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

15. In case of joint libraries, the reports required above shall be made to the officers of the district in which the library is located.

## TOWNSHIP LIBRARY LAW.

**Funds for library** — SECTION 486a. 1. The treasurer of each town in this state shall withhold annually from the money received from the school fund income, for the several school-districts whose schoolhouses are located in the town of which he is the treasurer, an amount equal to ten cents for each person of school age residing in such school-districts, for the purchase of books as hereinafter provided.

**Books, how purchased** — 2. Between the first day of April and the first day of July in each year, the town clerk, with the assistance of the county superintendent of schools, shall expend all money withheld by the town treasurer as provided in section 1, of this act, in the purchase of books selected from the lists prepared by the state superintendent as hereinafter provided, for the use of the several school-districts from which money has been so withheld, and he shall distribute the books thus selected and purchased among the several school-districts, in proportion to the sums of money withheld from each.

**Lists of books to be prepared** — 3. It is hereby made the duty of the state superintendent to prepare annually or biennially, as he may deem necessary, lists of books suitable for use in school-district libraries, and furnish copies of such lists to each town clerk and each county superintendent, as often as the same shall be published or revised, from which lists the several town clerks shall select and purchase books for use in the public school libraries in the several towns of the state as provided in this act.

**Town clerk's duties as to books** — 4. It shall be the duty of each town clerk to keep a complete record of the books purchased by him and distributed to the several school-districts, in a record book furnished by the state superintendent upon application. For such services properly rendered, the town clerk shall be allowed the usual per diem of two dollars for the time actually and necessarily spent.

**Who to be librarian—Law may be suspended** — 5. Unless the school district shall, at the annual meeting, elect some other person to be librarian of the district, the district clerk shall act as librarian for the district and shall receive and have the care and custody of the books distributed to the district pursuant to the provisions of this act, and shall loan them to teachers, pupils and other residents of the district, in accordance with the rules and regulations prescribed by the state superintendent. He shall keep a complete record of the books received from the town clerk for the district, in a record book furnished by the state superintendent through the town clerk. It is further provided that during the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall act as librarian, under the supervision of the district clerk, or of the librarian elected at the annual meeting. The state superintendent shall have authority to suspend the operation of this act for any year, in any or every town, by giving due notice of such suspension to the respective town clerks on or before the tenth day of June. The state superintendent is hereby authorized and required to prepare and furnish to each town clerk suitable record books for his use and the use of the several district clerks in his town.

**Farm institute bulletins** — 6. The superintendent of farm institutes shall deposit, each year, with the state superintendent of public instruction a sufficient number of copies of the farm institute bulletin to supply every public school library of the state with one copy of each edition of said bulletin, which bulletins the state superintendent shall send to the various town clerks, who shall distribute them to the public school libraries of the schools in their respective towns, from which libraries the said bulletins shall be loaned in like manner and under the same regulations prescribed for the loaning of books from the public school libraries of the state.

Under this law the money for library purposes is withheld from the state school fund income. The amount withheld is equal to ten cents for each person of school age residing in the school-districts whose schoolhouses are situated in the town, whether all such persons reside in the town or not. When the

money for the library fund has been withheld, it is made the duty of the town clerk to purchase the books under the conditions imposed by the law. He has no discretion in the matter.

In furnishing books to joint districts, as in withholding money, all difficulties are settled by ignoring the fact that there are joint districts and treating each district as if it belonged entirely in the town in which its schoolhouse is situated.

#### SELECTION OF BOOKS.

In compliance with the law the state superintendent has prepared a list of books from which town clerks may select. This list may be had on application to the department of public instruction. The books mentioned in this list are those which the experience of teachers has proved of the most worth in inspiring pupils to read and study and in widening their information.

#### SUGGESTIONS TO SCHOOL OFFICERS.

The main objects of school libraries are to aid the teachers and scholars in extending and giving freshness to the regular studies of the schools and to train the children to read and enjoy good books. To secure these results the books should be kept in the school rooms during term time except when loaned by the teacher.

Each district board should provide a secure case, with lock and key, for keeping the books clean and safe when not in use. This case should be kept clean and free from dust. The books, except very heavy ones which should lie on their sides, should stand upright on the shelves. The binding and stitching of books are injured and their general appearance marred by standing "lopsided."

The teachers should receive the strongest support from the school-district officers in their efforts to properly care for the books. The town clerk shall, in a book provided for that purpose, open an account with each school-district in the town to which books are distributed, charging each school-district with

all books delivered to the same; describing the books by the catalogue numbers, and giving the date when such books were delivered. Registers in which a complete record of the books belonging to the township library can be neatly kept by the town clerk and the district librarian are now furnished by the state superintendent. The record of books received, kept by the district librarian of any district, should correspond with the record relating to that particular district kept by the town clerk. These records should be compared at least once each year, and a complete list of all books destroyed or lost should be filed with the town clerk and a minute of each book so lost or destroyed should be made in the record of the district librarian.

The district librarian should also keep in the record book an accurate account of all moneys collected from fines and penalties for detentions, injuries and losses of library books and sums so collected should be paid by him to the town clerk to become a part of the township library fund, and if not paid to him in full, he should retain the amount so due from each district, from the amount of public school money to which such district is entitled as its share of the apportionment of the school fund income; the amount so retained to be added to the sum annually withheld for township library purposes for such district, and expended in the purchase of books for the ensuing year.

#### RULES FOR PUBLIC SCHOOL LIBRARIES.

The following regulations for the management of public school libraries have been prepared by the state superintendent. The labels for pasting in each volume, giving the rules for loaning can be obtained, on application, from the state superintendent. The regulations should be entered at length upon the records of the town:

1. The town clerk shall distribute all books purchased for public school libraries among the several school-districts of the town, in proportion to the amount of public school money withheld from each for that purpose.

2. Before any distribution shall be made of any books purchased for public school libraries, the town clerk shall cause to be pasted on the inside of the cover of each volume, a printed label giving the name of the town to which the book belongs, the county in which the town is located, the number of the volume, and the regulations prescribed by the state superintendent relating to the loan of the same, and the fines for detention, injury or loss of the volume.

3. The district clerk, or the librarian elected by the district, shall be the custodian of the books distributed to the district, shall loan the same to persons residing in the district, collect all fines incurred for detentions, injuries and losses of books, prescribed by the state superintendent, keep an accurate account of and pay over the same to the town clerk as required, and shall deliver to his successor in office, all books, papers and property of every description belonging to the town and to the public school library thereof, within ten days after the election or appointment of such successor.

4. The district clerk or librarian shall keep a catalogue of the books delivered to him by the town clerk. In connection with his annual report, the district clerk shall report the number of volumes, the amount of fines collected, and the condition of the library on the 30th day of June to the town clerk. Wherever a suitable place for the safe keeping of the books can be provided by the district board, the district clerk or librarian should place the library in the school-room, during term time, under the care and management of the teacher. The librarian shall give out and receive books on such days as the school board may direct, under the following rules:

I. The teacher of the public school shall, while the school is in session, receive from the library such number of volumes as may be needed for use in the instruction of pupils and classes, shall be responsible for the books drawn for that purpose and may loan them to pupils.

II. No individual, except the teacher of the school, shall have from the library more than one volume at a time. Books may be loaned to minors, and the record account shall be kept with the parent, guardian or person with whom such minor resides.

III. No volume shall be retained longer than two weeks under penalty of a fine of ten cents for the first week of such detention, and five cents for every week thereafter. The librarian shall report monthly all delinquencies to the school board.

IV. Fines shall be assessed for injuries to books as follows:

1. For an injury beyond ordinary wear, an amount proportionate to the injury, as estimated by the librarian.
2. For the loss of a volume, the cost of the book; and if one of a set, an amount sufficient to replace it, or to purchase a new set.
3. No person having incurred a fine shall be permitted to take books from the library until the fine is paid.

V. The district clerk or librarian of each school-district shall keep a record of all books loaned, in a book provided for that purpose, which shall show the name of the person to whom the volume is loaned, the catalogue number of the volume, the date of the loan, the date of return, and the amount of fine, if any, imposed and assessed by the librarian, for any detention, injury or loss of any book, and the date at which said fine was paid. The record shall be kept in the following form:

Name of Borrower.	No. of Book.	Date of Loan.	Date of Return.	Fine.
.....	.....	.....	.....	.....

VI. Books may be loaned to minors and charged to their parents, guardians, or other persons with whom they reside, who shall be responsible for the books under these regulations.

VII. On the return of every book to the library the librarian shall examine it carefully to ascertain what injury, if any, has been sustained by it, and shall charge any fine that may have been incurred by such injury, or by detention or loss of any book as provided in the rules.



## **XI. JUDGMENTS AGAINST SCHOOL-DISTRICTS.**

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**Execution, when to issue**—SECTION 487. No execution shall issue on any judgment against a school-district, except upon leave of the court upon motion, after the failure of the remedies provided in these statutes.

**Transcripts of judgments to be filed—Duty of town clerk—Judgments against joint districts**—SECTION 488. Whenever a final judgment shall be obtained against any school-district, the judgment creditor, his assignee or attorney, may file with the town clerk a certified transcript of such judgment or of the docket thereof, together with his affidavit showing the amount due thereon and all payments, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed or removed has been affirmed; and thereupon the town clerk shall assess the amount thereof, with interest from the date of its rendition to the time when the warrant for the collection thereof will expire, upon the taxable property of such district, placing the same in a separate column on the next tax roll; and the same shall be collected and returned as town taxes are, and paid to the party entitled thereto. In case of a judgment against a joint district, a transcript and affidavit as aforesaid, shall be filed with the clerk of each town in which any part of the district is situated, and the town clerk in each town shall assess on the taxable property of the part of such district situated in his town, the same proportion of the whole amount, with interest as aforesaid, as is assessed on such part for the other district taxes in such year. Such proportion may be ascertained by the certificate of the district clerk or the certificate of the several town clerks interested to each other, showing the amount of other district taxes certified by the district clerk to each town clerk. Whenever, for any cause, the amount which ought to be assessed on any such district or part of district, as above provided, shall not be so assessed in the next tax roll after the filing of such transcript and affidavit, the town clerk shall assess the same on the next or any subsequent tax roll within two years thereafter.

**Appeal, certificate to be filed** — SECTION 489. Whenever an appeal shall be taken from such judgment against a district, and a transcript thereof and affidavit shall have been filed, as above provided, the director may file a certificate of such appeal with the town clerk; and thereupon he shall suspend the assessment of such judgment until the determination of such appeal. If such judgment be thereafter affirmed, on proof thereof by certificate of the clerk of the appellate court, the town clerk shall assess the same, with interest, in the next tax roll.

The property belonging to the district is not liable to levy or sale upon an execution. Under the rendition of any judgment against a school-district, a transcript of the same is to be filed with the town clerk, or, if the district be a joint district, with the clerk of each town in which such district is in part situated. The town clerk is then required to assess the amount of the judgment, with interest thereon, in a separate column, in the next assessment roll, and the tax, when collected, shall be paid to the party entitled thereto.

## XII. FREE HIGH SCHOOLS.

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**How established—Not to apply where—**SECTION 490. Any town or incorporated village or city, any school district or sub-district which contains within its limits an incorporated village, or which has a graded school of not less than two departments, may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided. Provided, that no such high school shall be established or maintained unless twenty-five persons of school age, resident of the town, city, village, school-district or districts, sub-district or sub-districts, pass a satisfactory examination in the branches required to be taught in the common schools, and are prepared to begin a high school course. The question of establishing such schools may be submitted by the town, school-district or sub-district, or village board, or common council, to the legally qualified voters, at any annual or duly called special meeting, or election, upon written resolution therefor, proposed for adoption; provided, notice of such purpose, embodying such resolution, be given in the manner provided for notifying a special district meeting, town meeting or charter election. In the case of a sub-district the meeting may be called by the clerk of such sub-district. The vote shall be taken by ballot, and canvassed according to the statutes for conducting elections in such municipality, those ballots in favor being written or printed, "for high school;" those opposed, "against high school." If the resolution be adopted, such town or towns, school-district or districts, sub-districts, village or city shall constitute a high school-district. But no city, incorporated village or school-district in which a high school heretofore established has been reported recognized and aided as a free high school, shall be required to take any vote on the resolution provided for in this section, but may continue to report and receive aid on due compliance with the law in other respects.

**Towns may unite in establishing—**SECTION 491. (Sec. 1, chapter 353, laws of 1897.) Two or more adjoining towns, or one or more towns and an incorporated village, when the same

together will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted and the notice of election signed by at least a majority of the supervisors of each town, and trustees of such village, if any, and the election shall be notified and conducted in each town or village, as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each such town or village be in favor thereof. The votes shall be canvassed at the first election, and all subsequent elections, in the several towns, as at town meetings, and in the village, if any, as at village elections; and the supervisors of the several towns, and trustees of such village, shall within one week later such elections, meet and canvass the votes and certify the result to the town clerk of each town, and to the village clerk of such village. If such resolution be adopted, the several towns, or town, or towns and village so voting to unite, shall constitute a joint high school district.

**State aid, how obtained** — SECTION 491*a*. Whenever any town in which no graded school exists or when any two adjoining towns, in which no graded school exists, shall vote to establish and maintain a free high school, as provided in sections 490 and 491, of this chapter, and such free high school shall have been established and maintained in the manner now provided by law for establishing and maintaining free high schools, for at least three months, and when the high school boards of such town, or of such two towns adjoining which unite to maintain such school, shall make the report required by section 496, of this chapter, in order to obtain the aid furnished by the state of Wisconsin, in maintaining free high schools, they shall append thereto a certificate, to the effect that such school is established and maintained in a town or by towns wherein no graded school exists.

**Schools classified — Amount of state aid** — SECTION 491*b*. Upon receiving the reports and appended certificate provided for in section 496 of this chapter, it shall be the duty of the state superintendent to make a separate and distinct class of the schools thus established and maintained in towns where no graded schools exist, and each such school shall be entitled to receive from the general fund of the state annually, one-half the amount actually expended for instruction in such school, and the state superintendent shall fix the amount to be paid to each of said high schools and certify the same to the secretary of state, at the same time and in the same manner as he is now required to fix the amount to be paid to high school-districts, and certify the same to the secretary of state. On such certificate, at any time after the first day of December, the same shall be paid to

the district treasurer out of the state treasury; but the whole amount so paid shall not exceed twenty-five thousand dollars in any one year to this class of free high schools, and if more is demanded by such districts, they shall be paid proportionally. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid, in addition to the amount authorized to be paid in aid of free high schools by section 496, of this chapter, and in addition to all other sums to be levied for the year.

By this act an annual appropriation of not more than twenty-five thousand dollars is made to encourage the establishment and maintenance of free high schools in towns where there are none but ungraded district schools.

This was the principal purpose of the first act proffering aid to free high schools. But few of these places took advantage of the assistance thus tendered, and the remainder of the appropriation is now devoted to the high-schools established in connection with graded schools.

In organization, management, and methods of application for aid, these schools will conform to the law heretofore existing in relation to free high schools.

Six different organizations are authorized to establish and maintain free high schools, to-wit: a town, two or more towns, an incorporated village, an incorporated village and adjoining town, a city and a school district containing a village or a graded school of two departments.

The first step in organizing any one of these schools is the posting of notices of a purpose to vote on the question of the adoption of the system, as specified in form 49 of this code. The town board, village board, district board, or the common council of the city, must notify the electors of a purpose to hold an election for voting on the resolution that is recited in the notice. When two or more towns purpose to unite in establishing a free high school at least two members of each board interested must sign the notices.

The second step is to take the popular vote by ballot, and if a majority of the ballots cast read "For high school," the reso-

lution must be declared carried and the action should be recorded. A director, a treasurer and a clerk should be elected, in conformity to Sec. 492. But in single districts, the district board becomes ex-officio the free high school board, and in cities that are not under the jurisdiction of county superintendents, the board of education likewise becomes the free high school board. When two or more towns unite in forming a free high school-district a special election of free high school officers must be held subsequent to the vote on the organization of the high school. Due notices of such election must be posted by the respective town boards.

#### ORGANIZATION AND MANAGEMENT OF FREE HIGH SCHOOLS.

**Officers — Terms — When existing boards to be officers—**  
SECTION 492. The officers of each such district shall be a director, treasurer and clerk, whose terms of office shall be each three years, beginning with the annual town meeting and until his successor shall have been chosen or appointed; provided, that at the first election the clerk shall be chosen for one year, the treasurer for two years and the director for three years; and all of said officers may be chosen first at the same election at which the question of establishing a high school is submitted, to take their offices if the resolution therefor be adopted. Thereafter such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed and the results declared and certified as provided in the preceding sections. But in all cities not under a county superintendent which now constitute free high school-districts or which shall hereafter adopt the resolution provided for in section 490, and become free high school-districts, the board of education in each such city shall be the high school board and the city treasurer shall be ex-officio the treasurer of the high school-district, unless the board of education embraces a treasurer; and in all districts maintaining a graded school of not less than two departments, which now constitute free high school-districts or which shall hereafter adopt said resolution, the district board in each such district shall be the high school board; and the district treasurer shall be the treasurer of the high school-district. Whenever a sub-district under the township system shall vote to establish and maintain a free high school, such sub-district shall constitute a free high school-district, shall elect a free high school board, the clerk for one year, the treasurer

for two years, and the director for three years; thereafter one officer shall be elected annually in place of the one whose term expires, at the annual meeting of such sub-district, and such high school board shall perform all the duties and have the same authority in all respects as the high school boards in towns or districts. The clerks shall certify all taxes levied for high school purposes to the town, city or village clerk or clerks, who shall assess the same upon the taxable property of the sub-district, and the treasurers of such municipalities shall collect the taxes thus assessed and pay over the same to the high school treasurer, and return the delinquent taxes to the county as other taxes are collected and paid over or are returned as delinquent.

**Duties of officers — Bond — Report** — SECTION 493. The officers aforesaid shall constitute the high school board, and as such board and as such officers shall conduct the affairs of such high school-district on the same general plan provided for a school-district, and shall have and possess, with respect to such high school-district, all the powers, and be charged with all the duties conferred and imposed in these statutes on the district officers and district board of a school-district, applicable to such high school-district; the treasurer shall give a like bond, to be approved and filed in a similar manner. The high school-district clerk shall make a similar report to that provided in section four hundred and sixty-two, omitting the first sub-division. The board may grade such school, and establish the branches of study to be taught therein, under the advice of the state superintendent. Every forfeiture and punishment against neglect or violation of duty in a school-district officer, shall be held equally to apply to a high school-district officer for like neglect or violation. The reports of free high schools in cities not under a county superintendent shall be included in the reports from such cities to the state superintendent, made by the city superintendent or clerk of the board of education.

The officers, if elected, are to bear the same names and are elected for the same terms as like officers in school-districts. In cities independent of the county superintendent, the board of education,—and in single districts the district board, becomes the free high school board, without action on the part of the people at the time of voting on the adoption of the system.

The duties of the several officers and of the boards are similar to those of district officers and boards. The clerk is to report directly to the county superintendent, but in cities independent

of that officer, the report must be made by the city superintendent or by the board of education, and incorporated in the report of other matters to the state superintendent. Section 496 provides for a financial report to be made in duplicate for each free high school directly to the state superintendent.

**Schools free — Qualifications of principal — Course of study** — SECTION 494. All such high schools shall be free to all pupils resident in the district. Every principal of any high school hereafter elected or appointed shall, in addition to his qualifications as teacher of a common school, be a graduate of some university, college or normal school, or shall hold a state certificate, or shall pass an examination in the studies required to be taught in any such school; provided, the state certificates authorized by the laws of Wisconsin and the certificates authorized by section 496a, of this chapter, shall legally qualify their holders, both as principals and as teachers of common schools; and each principal and each assistant teacher in a free high school shall be eligible to teach only on approval of his certificate by the state superintendent; and the high school board or boards of education having charge of such schools shall determine, with the advice and consent of the state superintendent, the course of study and minimum standard of qualification for admission to the same.

The state superintendent will require each assistant in such schools to furnish evidence of his qualifications to teach every branch assigned him in the school course. Every assistant in a free high school who does not hold a state certificate or a countersigned diploma should therefore secure the superintendent's approval of his qualifications before the beginning of the fall term of school. Only thus can he make a legal contract, or the school be entitled to the aid provided by law. Each assistant should send to the state superintendent a local certificate that includes all the branches he is required to teach, and which continues in force during the time for which he wishes his certificate to be approved, should he desire to teach branches that are not included in the highest certificate that the local authority is authorized to issue, the state superintendent will provide for his examination in such topics.

Diplomas and standings from reputable colleges and state nor-



mal schools not in the state will receive due credit, if accompanied by proper local certificates.

**Taxes, how apportioned — Payments, how made — SECTION 495.** The high school board shall, annually, on or before the second Monday in September, meet and determine the amount necessary to be raised by tax for the support of such high school, and certify the same to the proper town, city or village clerk; if a joint high school-district, they shall certify to the town clerk of each town the proportionate amount thereof to be raised by such town, such proportion to be determined according to the total valuation of all the taxable property in such town as equalized by the town boards of review. Such tax shall be assessed on the next tax roll by such clerk or other officer making the same, and collected and returned as other taxes, and paid to the high school-district treasurer. Such moneys shall be paid out only on orders drawn and countersigned as prescribed in case of school-districts. Any town which is a single high school-district may, by resolution adopted at the annual town meeting limit the amount to be raised for high school purposes in such town, during such year. In case of a joint high school-district, the town boards of the several towns embraced may, by a joint resolution adopted by all such town boards before the first day of July, likewise limit the amount to be raised in such district.

The certificate of the amount of tax necessary to be raised is to be made in September. Towns having a high school may, by vote, limit the amount of tax, and the tax in joint high school-districts may be likewise limited by the town boards; but otherwise the amount of annual tax levy for this purpose is finally determined by the board.

**State aid, amount of, how obtained — Levy of taxes for — SECTION 496.** Any high school district which shall have established a free high school according to the provisions of these statutes and shall have maintained the same for not less than three months in any school year, shall be entitled to receive from the general fund of the state, annually, one-half the amount actually expended for instruction in the high school of such district during such school year, over and above the amount required by law to be expended for common school purposes, but not to exceed in one year five hundred dollars to one district; provided, this limitation shall not apply to the class of high schools designated in section 491*a* of this chapter. To obtain such aid, the high school board, or in cities not under a county superintendent the president and secretary of the board

of education and the treasurer, shall, on or before the first day of November, report in duplicate to the state superintendent, under their oaths, the amount actually expended for instruction during the previous school year, specifying the several items thereof, with the date and the object of each fully. Thereupon the state superintendent shall fix the amount to be paid such high school district and certify the same to the secretary of state, with one of such reports annexed; provided, the state superintendent shall be authorized to withhold the certificate from any free high school district for reasons based upon failure to comply with the laws relating to free high schools, which reasons he shall have transmitted in writing to the free high school board thereof on or before the thirtieth day of the preceding June. On such certificate at any time after the first day of December, the certified amounts shall be paid to the district treasurer out of the state treasury. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid in addition to all other sums to be levied for the year. Hereafter, when by any neglect or omission any free high school shall fail to have apportioned to it its share of state aid under this act, the state superintendent may, after the time hereinbefore fixed for such apportionment by him, fix an amount ten per centum less than the amount which such free high school would have been entitled to had it complied with the provisions of this act, and certify the same to the secretary of state, with the report of such district or districts annexed thereto, and the secretary of state shall thereupon draw his warrant for such amount or amounts in favor of such district or districts. The whole amount annually paid under the provisions of this section shall not exceed the sum of twenty-five thousand dollars, and if more be demanded by such districts they shall be paid proportionally; provided, however, that if the whole amount authorized to be paid annually in aid of free high schools in towns having no graded schools by section 491<sup>6</sup> of this chapter is not demanded or expended under the provisions of that section, then the unexpended balance of the amount therein annually authorized to be paid in aid of free high schools in towns having no graded schools, may be added to and apportioned among the free high schools provided for in sections 490 and 491, of this chapter; but no more than fifty thousand dollars shall be apportioned to both classes of free high schools in any one year as now provided by law.

This section provides for the distribution of fifty thousand dollars to both classes of free high schools each year, preference being given to free high schools in towns having no graded schools.

This section also authorizes the state superintendent to withhold the state aid from any free high school district for failure to comply with the free high school law, and the reasons for so withholding such aid shall be transmitted in writing to the free high school board on or before the 30th day of the preceding June. This clause is designed to protect those schools complying with the law from loss of money in the pro rata apportionment.

The state superintendent is required by law to approve the qualifications of each principal and each assistant in the free high school, and to approve its course of study. If deficiencies shall be known to exist in any school in these or other essentials for the successful work of the school, the state superintendent will correspond with the board in relation thereto. If the subjects of inquiry are found to be practices that are in neglect or defiance of laws relating to these schools, the state superintendent will transmit to the free high school board notification of a purpose to withhold the certificate from the secretary of state, as provided in the amendment.

Every free high school may share in the aid offered by this section if it shall have maintained a school taught by qualified teachers for three months of the year for which aid is sought; shall have established and maintained a course of study approved by the state superintendent; shall have expended during the year for instruction in the high school, exclusive of the cost of maintaining a common school, an amount equal to twice the sum claimed as aid, and shall report as required by the section.

**State superintendent to supervise schools — SECTION 496a.**

1. The state superintendent shall prepare a course or courses of study suitable to be pursued in free high schools, publish the same, and furnish them upon application for the information of localities contemplating the maintenance of free high schools. He shall exercise such personal supervision and make such personal inspection of the work of all free high schools organized under the provisions of the statutes of this state as they seem to require, and other duties of his office may warrant; he shall examine or cause to be examined, all teachers of

high schools, required by law to pass special examinations to qualify them for teaching in high schools, and grant certificates to such as pass examinations satisfactorily, which certificate shall be in such form and for such time as he may prescribe, and shall authorize the holders to teach in such special place or places, or in the whole state, as the qualifications of the candidate may warrant. The course of study herein authorized to be prepared shall include instruction in the theory and art of teaching and organization, management and course of study of ungraded schools, and all examinations of teachers shall include examinations upon these subjects.

2. The state superintendent shall furnish suitable blanks for annual and special reports for all free high schools which shall include the number, age and sex of all pupils enrolled, the number in each class or year of the course of study, the number pursuing English branches only, the number completing the course of study each year, and such other statistics as may be deemed necessary.

Courses of study are furnished by the state superintendent, which indicate the scope of the work required by this department. Such modifications as may be thought necessary to adapt these courses to local needs require the approval of the state superintendent.

Blanks for the annual reports will be mailed by the state superintendent to clerks, on the 15th of May, and for the financial reports on the 1st of August.

When teachers of free high schools are required to teach branches which are not embraced in any of the certificates which the local superintendents are authorized to issue, the state superintendent will provide for their examinations in such topics, but he will require teachers to seek certification from local examiners in all branches included in the first grade certificate.

**Inspector of free high schools** — SECTION 165*d*. 1. The state superintendent is hereby authorized to appoint a person of suitable qualifications to assist him in visiting, inspecting and supervising the free high schools of the state, and to aid in giving information and needed assistance to localities in organizing and maintaining free high schools in towns where no graded schools exist.

**Salary** — 2. The person appointed pursuant to the provisions of this act shall receive an annual salary of eighteen hun-

dred dollars, and reimbursement for all actual and necessary expenses incurred, payable monthly, upon the certificate of the state superintendent, from the annual appropriation to encourage the establishment of free high schools.

**Other duties**—3. The person hereby authorized to be appointed by the state superintendent may be assigned such duties in the office of the state superintendent when not engaged in the specific duties enumerated in section 1, of this act, as the said state superintendent may determine and designate.

**Manual training**—SECTION 4966. 1. It shall be lawful for any high school board of education in this state having charge of a free high school or of a high school having a course of study equivalent to the course or courses prescribed by the state superintendent for free high schools, to establish and maintain a department of manual training in connection with the schools under its control and management.

2. The expense of maintaining such manual training department shall be provided for in the same manner as other expenses of maintaining high schools are provided for, by taxes assessed upon the taxable property of the territory included in the corporation district or districts maintaining the high school in connection with which the manual training department is established, and such department shall be under the management, direction and control of the board having the management and control of the high school.

3. It shall be the duty of the state superintendent, as far as the other duties of his office may warrant, to give such information and assistance as may seem necessary in organizing and maintaining manual training departments and in arranging schemes and outlines of work. The state superintendent, with the aid of the supervisor of high schools, shall also have general supervision of all manual training departments established and maintained under the provisions of this section; shall from time to time inspect the same, make such recommendations relating to the management as he may deem necessary, and in his biennial report make such report thereon as shall give full information concerning their number, character and efficiency and their value as an educational factor.

4. The state superintendent shall establish a standard of qualification for all teachers in manual training departments, and may grant special certificates to such applicants as are to his judgment fully qualified to instruct in special lines of manual work, which certificates shall be in such form and for such time as he may prescribe, and shall be regarded as certificates legally qualifying the holders thereof to teach in any manual training department forming a part of the public school system of the state

5. Any high school whose course of study or outline of work in manual training has been approved by the state superintendent, and whose teacher or teachers have been duly qualified according to subdivision 4, of this section, may, upon application, be placed upon an approved list of schools maintaining manual training departments. A school once entered upon this approved list may remain there and be entitled to the special state aid hereinafter provided in this act, so long as the scope of work and its character is maintained from year to year in such a manner as to meet the approval of the state superintendent; provided, that the state superintendent shall not under the provisions of this section, place upon the said approved list more than ten schools.

6. On the first day of July each year the clerk of each high school board maintaining a school on the approved list, or the city superintendent of any city where such an approved school is maintained, shall make a report to the state superintendent, in such form as may be required, setting forth the facts relating to the cost of maintenance of the manual training department, the character of the work done therein, the number and name of teachers employed therein, and the length of time such department was maintained during the year. And upon the receipt of such report, if it shall appear that the department has been maintained in a satisfactory manner for a period of not less than six months during the year ending with the date of the report, the said superintendent shall make certificate to that effect and file the same with the secretary of state.

7. Upon receiving the certificate of the state superintendent provided in subdivision 6, of this section, the secretary of state shall immediately draw his warrant upon the state treasurer for the sum of two hundred and fifty dollars, payable to the treasurer of the district or corporation maintaining a school which is in the list of approved schools maintaining manual training departments, and reporting as herein provided.

8. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this section, and all sums so paid for the establishment and support of manual training departments shall be annually added to the state tax, and levied and collected as other state taxes are collected; provided, that the total amount expended under the provisions of this section shall not exceed the sum of twenty-five hundred dollars in any one year.

This law recognizes manual training as a legitimate part of the work of public schools, and authorizes departments for manual training to be maintained by taxation, as other depart-

ments of public schools are maintained. The authority to maintain such departments, it will be observed, is limited to such corporations and districts as maintain high schools with courses of study equivalent to the courses prescribed for the use of free high schools.

#### SCOPE OF THE WORK.

(a) The scheme of work should cover at least two years of time, and should be of a character to afford advantages to both sexes and all classes represented in the school.

(b) Specifically, the scheme should include instruction and exercises in free hand and mechanical drawing.

(c) Instruction and exercises in bench work in wood—sawing, planing, tenons, mortises, joinery, inlaid work, etc., etc.

(d) Instruction and exercises in lathe work in wood—wood turning, face-plate and center turning, polishing and simple designing.

(e) Instruction and exercises in blacksmithing—elementary processes of the forge—welding, forging and tempering.

(f) Lathe work in metal—metal turning, use of machine and hand tools in metal work; exercises devised to develop uses of tools.

The above lines of work may be expanded almost indefinitely, as facilities are provided, and the course is extended, to include pattern-making, moulding, casting, etc.; by introducing exercises in wood carving, in the use of carving tools in ornamental line work, and the shaping of simple designs in low relief. Drawing, also, may be extended to include architectural drawing and designing.

(g) Instruction and exercises in sewing—forms of stitches, piecing, hemming, darning, mending, patching, making. As facilities are provided, cutting, fitting and making garments in cotton, wool, and other fabrics, may be voluntarily added.

(h) Instruction and exercises in cooking—study of foods, dietetic values and combinations; uses and processes of cooking;

preparation of common foods — soups, meat, vegetables, bread, tea, coffee, cocoa, cakes, pies, puddings, etc., etc.

#### QUALIFICATIONS OF TEACHERS.

It is deemed unwise at present to determine that teachers in manual training departments shall pass examinations in literary branches or mechanical proficiency. Each applicant will be judged as to fitness by literary and mechanical training, and upon evidence of intelligent apprehension of the methods, aims and purposes of manual training. It is to be constantly borne in mind that manual training is a form of education; a method by which the senses of sight, hearing, touch, and all muscular energy, are called into activity, to cultivate precision and multiplicity of perception, the correlation and co-ordination of processes of reasoning and reflection, which result in variety and accuracy of judgment. The product of these processes is higher, broader mental culture, as well as mechanical skill; that the latter should be the sign and token of the former; and that only such as discern this significance in manual training should be entrusted with the management of such departments. The manual training schools, and the mechanical engineering department of the university of our own state and those of other states, should furnish an adequate supply of competent teachers.

#### EQUIPMENT AND WORK REQUIRED.

The equipment and work should be progressive. No attempt should be made to fully equip or determine the work of the department at once. Bench work and lathe work in wood, with free hand and mechanical drawing should be inaugurated the first year. This is all that will be required, if sewing, cooking, and advanced work in metal are outlined in the scheme of work to be commenced not later than the second year. Each scheme, as presented for approval, will be considered in relation to the locality for which it is designed.



The question has arisen whether manual training should be included in and made a part of a definite and prescribed course of study in the high school. This is the practice of some schools, that have literary and manual training courses. But it is not deemed wise to require this. A limit should be made by local regulation, confining manual training to a maximum of four and one-half hours per week, per pupil, which will include the drawing. Programmes should be so arranged that this work can be taken without interference with recitations in literary courses.

## XIII. APPEALS.

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To state superintendent — SECTION 497. Any person conceiving himself aggrieved by any school-district meeting or by any town board, in forming or altering, or in refusing to form or alter, any school-district, or by any other thing done by any officer or board under the provisions of this chapter, may appeal to the state superintendent. Such appeal shall be taken and heard in the manner prescribed by him, and he shall make and file his decision within thirty days after the hearing thereof is closed. The decision appealed from shall be operative until the same shall be reversed; and no decision on appeal to said superintendent made by him after the lapse of thirty days from the time the hearing thereof is closed, shall be effectual.

The purpose of the comments in the preceding pages has been to make plain the application of the statutes to the management of the affairs of school-districts. It should be borne in mind that the state superintendent can render no decision on controverted matters, without giving to all persons interested an opportunity to be heard. An opinion based on *ex parte* statements is valid only in so far as these statements represent fully and fairly the facts in the case.

The law commits the formation and alteration of school-districts and the management of public schools to the local boards and communities in which they are situated. A multitude of facts, pertinent to a wise direction and control of school-district affairs, are known by, or are easily accessible to the local authorities, which are obtainable, if at all, only with very great difficulty by a distant tribunal. Where the local boards and

communities are guided by a single purpose to subserve public good, it will seldom be found necessary to take the appeal for which the section provides. It often happens, however, that the best interests of schools are sacrificed to local feeling or to personal interests. Persons aggrieved by such action may appeal to the state superintendent, but in doing so the following rules must be observed:

#### RULES RESPECTING APPEALS.

1. An appeal must be in writing, addressed to the state superintendent, and signed by the appellant, but no particular form of statement is necessary.

2. The appeal should be as brief as is consistent with a complete statement of the case. It should set forth the action or proceedings appealed from, and the reasons why such action should be set aside. If the appeal is founded upon the refusal of the supervisors to act, the reasons why the action asked for should have been taken by such supervisors, must be clearly shown. If the appeal relates to the formation or alteration of a district, a map or plat of the district or districts affected by the order from which the appeal is taken, showing the boundaries, location of the schoolhouses, and the situation of the marshes, rivers and bridges of the territory in question should be presented with and made a part of the appeal. A statement showing the assessed valuation of the district or districts, or of the several parts of a district divided, and the number of children over four and under twenty years of age residing in each, should accompany the map, and form a part of the papers in the case. When the papers are completed, they should be fastened together, numbered or lettered for reference, and an affidavit attached, setting forth that the statements therein made are true, and that the map, list of children, and valuation of property are correct. The affidavit may be in form as follows:

A. B., being duly sworn, deposes and says that the statements made in the above appeal, all and several, are true, ac-

cording to the best of his knowledge and belief, and further that the accompanying map, list of children, and valuation of property are correct.\*

[Signed]

\_\_\_\_\_,  
*Appellant.*

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

3. A complete and correct copy of the appeal and affidavit, and all accompanying papers, should be made, to which another affidavit should be attached, stating that they are correct copies of the papers in the case.

The form of the affidavit may be as follows:

A. B., being duly sworn, deposes and say that the above is a full and correct copy of an appeal, and all accompanying papers, designed to be sent to the state superintendent.

[Signed]

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_,  
18— C. D.,

*Justice of the Peace.*

This affidavit should be made upon the *copy* only — not upon the original appeal that is to be sent to the state superintendent. The copy should then be served upon the party from whose action the appeal is taken, either by handing it to him, or leaving it at his residence. If the appeal is from the action of the supervisors, the chairman of the board is a suitable party upon whom to serve the copy; if from the proceedings of a district meeting, upon the clerk or chairman of the meeting. It should not be served, however, upon an individual who did not sustain the action appealed from as in that case no answer is likely to be made.

The person serving the copy of appeal should carry with him the original appeal, so that the party from whose action the ap-

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\* In other matters than formation or alteration of districts, the latter part of the affidavit after the word "belief," may be omitted, or any needed change may be made.

peal is taken may, if willing, admit service of a true copy, by the following form indorsed upon the original appeal:

I, E. F., do hereby admit service of the above (or within) appeal.

[Signed]

— —.

In case no such admission of service be made, the appellant will append to his appeal an affidavit of the following form:

A. B., being duly sworn, deposes and says that upon the — day of —, 18—, he did serve a true and verified copy of this appeal, and all accompanying papers, upon E. F., by handing the same to said E. F. (or by leaving it at his residence, as the case may be).

[Signed]

— —.

Sworn to and subscribed before me this — day of —, 18—

C. D.,

*Justice of the Peace.*

When several persons unite in making an appeal, the affidavits may be so changed as to admit the names of all the appellants, and each should sign the appeal and subscribe to each and every affidavit. When the action appealed from is the action of several persons, it is sufficient to serve a copy of the appeal upon any one of the number, but it should always be served upon one not agreeing with the appellants, that an answer may be made.

When all the above directions are complied with, the original papers are ready to be forwarded to the state superintendent.

4. An appeal should be taken within thirty days from the performance of the act appealed from, or within thirty days after the action complained of has come to the knowledge of the appellant.

#### THE ANSWER.

1. The appellee has fifteen days in which to prepare his answer, and all the directions above given in reference to the

preparation and service of a copy of the appeal papers, should be complied with in preparing and serving the answer upon the appellant, before it is forwarded to the state superintendent. The forms of affidavit given above will answer in all cases for forms to be used by the appellee, by changing the words so that the affidavit shall refer to an "answer to an appeal," instead of to an appeal, and by signing it as appellee instead of appellant.

2. The answer to an appeal may be served upon any one of a number of appellants. When the town board of supervisors is a party, and papers have been served upon the chairman, if he is in favor of the party appealing, one of the other supervisors should make answer.

3. In case of neglect of the proper appellees to answer an appeal, any person having an interest in the matter may make answer to it, being governed in all cases by the same rules as would govern an appellee.

#### REPLICATION OR REJOINDER.

A replication or rejoinder will be allowed, upon proof that new facts have come to the knowledge of the party wishing the rejoinder since the appeal or answer was submitted to the state superintendent, or that there are material errors in the statement of the other party.

#### GENERAL REMARKS.

If the appellant or appellee presents statements of other parties, these statements should be verified by the affidavit of the person making the same.

All decisions on appeal must be filed or recorded as the state superintendent shall direct.

No decision can be rendered on *ex parte* statements. No papers will be considered that are not properly verified, and properly served on opposing parties.

The propriety of leaving out of appeals all matters of a purely personal character, except as they may have a direct bearing upon the subject, is obvious.

As appeals are usually decided upon written and not upon oral evidence, it is not necessary or proper for either party to appear in person, expecting to be heard in the case, without the presence of the other party.

Particular care should be taken to follow the directions in regard to affidavits, serving copy, etc., so that it may not be necessary to send papers back for correction.

Not only must every paper presented in a case, by either party, be verified by affidavit, and a copy be served on the other side, but in making the copy, care must be taken to copy every affidavit as well as the statement which it verifies. If this is not done, the party upon whom such copy is served has no evidence that the original was sworn to.

If the appeal is not taken or the answer or rejoinder made within the prescribed time, the reasons for the delay must be given.

#### APPEALS BY TEACHERS.

Any person refused a certificate by the county superintendent of schools, may make appeal to the state superintendent, according to section 452, using the following form:

*To A. B., County Superintendent of Schools for ——— County:*

SIR: You are hereby notified that I intend to appeal from your refusal to grant me a certificate, and I hereby ask you for your reasons for such a refusal, that I may present the same to the state superintendent, with my appeal.

Respectfully yours, ——— ———.

The refusal is ordinarily for alleged want of learning. In this case the appellant will usually appear before the state superintendent for re-examination. He should not come, however, without previous notice; but after notice to the county superintendent, as above, and on obtaining the statement of reasons for refusal, he should forward the same to the state superintendent, notifying him of his desire for a re-examination, that a time may be fixed which may be convenient to both parties.

If the appellant and county superintendent mutually agree that the appeal shall be decided on the papers on which a certificate was refused, a re-examination may not be necessary.

If the refusal is for alleged want of ability to teach, or for alleged immorality, the appeal will be decided on the evidence submitted in writing by the parties. The papers should be made out and verified, and copies served, as provided under the Rules for Appeals.

In case a teacher's certificate is annulled, he also has a right of appeal. For this purpose the following form may be used:

*To A. B., County Superintendent of Schools for ——— County:*

SIR: You are hereby notified that I intend to appeal from your action in annulling my certificate, and I hereby ask for your reasons for such action, that I may present the same to the state superintendent, with my appeal.

Respectfully yours, ——— ———.

The directions given above, in regard to an appeal from a refusal to grant a certificate, are to be followed, as far as applicable, in an appeal from the action of a superintendent in annulling a certificate.



#### XIV. PENALTIES AND MISCELLANEOUS LAWS.

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**Liability of district clerk** — SECTION 498. Every district clerk who shall wilfully neglect to make the annual report for his district, as required by law, shall be liable to pay the whole amount of money lost by such district in consequence of his neglect, which shall be recovered in an action in the name of and for the use of the district.

**Liability of town clerk and superintendent** — SECTION 499. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report as required in this chapter, within the time limited therefor, shall be liable on his official bond to pay the town the amount which such town or any school-district therein shall lose by such neglect or refusal, with interest thereon; and every county superintendent who shall neglect or refuse to make the report required of him by this chapter, to the state superintendent, shall be liable to pay to each town the amount which such town or any school-district therein shall lose by such neglect or refusal, with interest thereon, to be recovered in either case in an action prosecuted by the town treasurer in the name of the town. All money collected or received by any town treasurer, under the provisions of this section, shall be apportioned and distributed to the school-districts entitled thereto, in the same manner that the money lost by any such neglect or refusal would have been apportioned and distributed.

**Penalties for neglect of duty** — SECTION 500. Every taxable inhabitant receiving the notice mentioned in sections four hundred and thirteen and four hundred and fifteen, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined upon him by this chapter, shall respectively forfeit the sum of five dollars. Every person duly elected to the office of director, treasurer, or clerk of any school-district who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by

the provisions of this chapter, shall forfeit the sum of ten dollars; and every school-district officer who shall neglect or refuse to deliver to his successor in office all records, books, and papers appertaining to such office, shall forfeit not exceeding fifty dollars.

**Officers and teachers not to be agents for school books, etc.—Penalty—SECTION 501.** Neither the state superintendent, his assistant, nor any person in his office, nor any county superintendent, nor school-district officer, nor any officer or teacher connected with any public school, shall act as agent or solicitor for the sale of any school books, maps, charts, school library books, school furniture, apparatus or stationery, or furnish any assistance to or receive any reward therefor from any author, publisher, bookseller or dealer, doing the same. Every person violating this section shall forfeit not less than fifty nor more than two hundred dollars for each offense, and be liable to removal from office therefor.

**Penalty for drawing unauthorized orders—SECTION 502.** Every district clerk who shall draw an order upon the treasurer for any purpose not authorized by law, and every director who shall countersign such order, shall forfeit for each such order not less than twenty nor more than one hundred dollars.

Section 503 has become 440b.

**Decisions of state superintendent to be obeyed —SECTION 504.** In case the town board, or any other officer, shall neglect or refuse to carry into effect any decision of the state superintendent, made upon an appeal from their or his action or refusal to act, each supervisor or other officer refusing or neglecting shall forfeit the sum of fifty dollars; and every town clerk who shall so neglect or refuse shall also be liable to removal by the town board upon proper notice thereof.

**Actions to recover penalties, prosecution of—SECTION 505.** All actions for the recovery of any forfeiture incurred under the provisions of this chapter shall be prosecuted by the director of the school-district interested, except when such director has incurred a forfeiture, in which case such action shall be prosecuted by the treasurer of such district; and in case either shall refuse or neglect to prosecute, he shall forfeit twenty dollars. All forfeitures recovered shall be first applied to the necessary expenses of such prosecutions, and one-half of the remainder shall be paid into the district treasury for the use of the district, and the other half to the county treasurer, for the benefit of the school fund.

**Any voter may prosecute, when —SECTION 506.** Whenever any person or officer designated in this chapter to prose-

cute an action for a forfeiture, or for a neglect of duty, shall fail to prosecute such action for the space of ten days, after being requested in writing by a vote of the proper district so to do, any voter may prosecute such action for the recovery of such forfeiture, or for any neglect of duty, in the manner herein prescribed.

**District officers, how removed** — SECTION 507. Any school-district officer may be removed from office by the county judge, for wilfull neglect of any duty, upon the written application of the majority of the legal voters of his district, or of any person aggrieved by such neglect, containing a full statement of all the charges preferred against him. A copy thereof with a notice of the time and place when and where a hearing upon the same will be had, shall be served upon such officer at least ten days before such hearing. Such officer shall have full opportunity to be heard in his defense; and the judge, upon satisfactory proof of such neglect of duty, may by order remove such officer from his office, and in case of removal, shall forthwith file such order in the office of the town clerk, and cause a copy thereof to be served upon each of the other officers of the district. The person so removed from office shall not be appointed to fill the vacancy occasioned by such removal; and for all services performed by the county judge under the provisions of this section, he shall receive three dollars for each day actually employed, to be paid by the county.

#### JOURNAL OF EDUCATION, DICTIONARIES, ETC.

**Subscription for journal** — SECTION 508. Each school-district clerk and each town clerk or secretary of a town board of directors, may subscribe annually for one copy of the Wisconsin Journal of Education, to be paid for by the district or town respectively out of the school money.

The subscription price of the Journal of Education is \$1.00 a year, if paid in advance. Subscriptions, with remittances, should be addressed to "Wisconsin Journal of Education, Madison, Wis."

**Dictionaries to be supplied schools, and sold at cost — Purchased, how** — SECTION 509. The state superintendent is hereby authorized to furnish to any school district, or to any school or distinct department thereof in any city, village or town, one copy of Webster's International Dictionary, on the

receipt of an affidavit of the district clerk, the school superintendent, or the secretary of the board of education of such village, city or town, that such school or department has not yet been supplied, or that the dictionary furnished to such school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent for any so to be replaced; and the state superintendent is further authorized to sell at the cost price to the industrial school for boys at Waukesha, the industrial school for girls, at Milwaukee, the institution for the blind at Janesville, and the institution for the deaf and dumb at Delavan, on the written requisition being made by the superintendent of the institution, as many copies of Webster's International Dictionary, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same. The state superintendent may also furnish each county superintendent of schools, each teacher employed in the several state normal schools and the university of Wisconsin, each state officer and member of the legislature, and their employes with one copy of Webster's International Dictionary at the cost price of the same to the state. The state superintendent is hereby authorized to purchase from time to time each year at a cost not exceeding seven dollars per copy, delivered at his office, a sufficient number of copies of Webster's International Dictionary to furnish the schools herein provided to be supplied; and there is hereby annually appropriated from the state treasury, out of the funds not otherwise appropriated, a sum sufficient to carry into effect the provisions of this section.

**Books part of library** — SECTION 510. All such dictionaries heretofore or hereafter received by the several districts, shall belong to the district library, but during the time a school is taught they shall be and remain in the school rooms, during the hours of school, for the exclusive use of the scholars and teachers and under the control of the teachers or principals, who shall be responsible to the districts for their loss, or for any unnecessary damage they may receive.

**Dictionaries to be accounted for** — SECTION 511. The state superintendent shall pay to the state treasurer, all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold in his annual report to the legislature.

## MAP OF WISCONSIN.

**Publication of railroad maps**—SECTION 1795*a*. There shall be published biennially, under the supervision of the railroad commissioner, fifteen thousand copies of the railroad map of Wisconsin, of which eight thousand copies shall be mounted on muslin and provided with rollers to be distributed by the state superintendent of public instruction among the schools of the state; three thousand copies shall be likewise mounted on muslin and provided with rollers, to be apportioned and delivered to the members of the legislature; four thousand copies, of which three thousand shall be unmounted and one thousand likewise mounted on muslin and provided with roller, to be distributed by the railroad commissioner; and a sum of money sufficient to carry out the provisions of this act is hereby appropriated out of any money in the treasury not otherwise appropriated.

**Residents of districts, who are**—SECTION 512. Every person of lawful school age, maintained as a public charge shall, for school purposes, be deemed a resident of the district in which he lives; for every person so maintained by the county, the county board shall for each year allow to the district in which such person may attend school, an amount for each person so attending equal to the amount expended in that year for each pupil in such district for school purposes; and in case such person be maintained by any town, such town board shall allow a like amount to such district. Such account shall be reckoned by the district officers, without reference to the number of pauper children attending such school.

**Women may be school officers**—SECTION 513. Every woman of twenty-one years of age and upwards, may be elected or appointed as director, treasurer or clerk of a school-district; director or secretary of a town board, under the township system; member of a board of education in cities; or county superintendent.

Section 514 has become section 440*a*.

## MILITARY TRAINING IN SCHOOLS AND COLLEGES.

(Chapter 260, Laws of 1897.)

SECTION 1. The president, or other principal officer of any college or school situated in, and incorporated under any law of this state, general or special, and which said college or school

shall be under military discipline, or maintain a regular military department and have enrolled, uniformed and armed, not less than one hundred cadets, may apply in writing, to the governor of this state to have the corps of cadets of such college or school inspected by the adjutant-general or other officer appointed by the governor for that purpose.

SECTION 2. Whenever any such application shall be made to the governor, an inspection of the corps of cadets of such college or school shall thereafter be annually made during the months of April, May or June of each year, upon fifteen days' notice by mail, to the president of such college or school by the adjutant-general or some officer appointed by the governor for that purpose.

SECTION 3. Such inspection shall be held in the same manner and form prescribed for troops in the service of the United States. The inspecting officer shall report to the governor:

1. The number of officers, non-commissioned officers and privates paraded and inspected by him, in the uniform of such corps of cadets.

2. What such uniform is, and the condition thereof.

3. The discipline and state of instruction of such corps of cadets.

4. The number and amounts of arms, accoutrements, stores and military property exhibited to him.

5. The true condition of the same.

6. If a cavalry company or battery of artillery be maintained, what number of horses, where exhibited and their condition.

7. Whether such corps of cadets has complied with the provisions of this act and the orders and regulations of the governor so as to be entitled to the benefits of this act.

8. Such other matters as may be required.

The inspecting officer shall receive no pay for services but may be allowed ten cents per mile for every mile actually traveled, to be paid by each of the schools so inspected.

SECTION 4. If such inspecting officer shall report that such corps of cadets numbers less than one hundred enrolled, uniformed and armed, or if such inspecting officer shall report that the condition of such corps of cadets and its military proficiency are not such as in his judgment to entitle it to the benefits of this act, the governor may, in his discretion, notify the president or other principal officer of such college or school that such college or school is suspended from the benefits and privileges given by this act and, in such case, no application for the benefits heretofore conferred or for an inspection as herein provided shall be made or received from such college or school for a period of two years next ensuing.

SECTION 5. In all cases where a satisfactory report is made by such inspecting officer, of any college or school, the students

thereof, residents of this state, graduating during the year within which such report is made, and receiving full diploma or certificate from such college or school, shall be entitled to the honorary rank of second lieutenant in the unorganized militia of the state; provided, however, that nothing in this act contained shall be construed to give such graduates any right, position or authority, nor any claim upon, or emolument from the state, other than the honorary rank herein provided for, or the right to wear the uniform of the Wisconsin national guard, unless such graduate thereafter become a regularly appointed commissioned and acting officer in the Wisconsin national guard, according to, and under the provisions of chapter 34, of the revised statutes of the state of Wisconsin.

#### SCHOOL BOARDS IN CITIES OF THE FIRST CLASS.

(Chapter 186, Laws of 1897.)

SECTION 1. The public schools in every city of the first class, meaning thereby every city in the state of Wisconsin now or hereafter having a population of one hundred and fifty thousand or over, whether organized under special charter or under the general laws, shall be under the general management, control and supervision of a board of school directors, consisting of one director from each ward of such city, to be appointed pursuant to the provisions of the next following sections.

SECTION 2. All appointments of members of the board of school directors of such city shall be made by a commission consisting of four citizens of suitable character and education, who shall be appointed by the mayor of the city, as hereinafter provided. Not more than two of the members of such commission shall at the time of their appointment belong to the same political party; and no person holding any office in any political organization, or any lucrative city, county or state office, other than a judicial office or that of notary public, shall be eligible to be a member of such commission or of such board of school directors.

SECTION 3. The mayor of every such city of the first class shall, on the second Tuesday of April, in the year 1897, or in the next year following the first national or state census showing it to be a city of the first class as defined in the first section of this act, appoint four commissioners in accordance with the provisions of section two (2) of this act, designating one of such commissioners to hold office for a term of four years, one for three years, one for two years, and one for one year from the

date of appointment, and thereafter the mayor shall appoint annually one member of such commission to hold office during a term of four years. Any vacancies arising in such commission shall be filled by appointment by the mayor for the unexpired term.

SECTION 4. The commission so appointed shall be known as the "School Board Commission," and the secretary of the board of school directors shall act as secretary of the commission, and shall keep a full and complete record of all its transactions. The commission shall meet at the secretary's office for the first time on the third Tuesday in April, in the year 1897, or the year of its appointment, and shall be organized by selecting one of its members as chairman, who shall preside for one year, or until his successor is chosen, and said commission shall then proceed to divide the number of wards of the city of such commission into three classes, so that each class shall include as nearly as practicable the same number of wards, and so that the first class shall include the wards numbered consecutively one and upwards; the second class shall include the wards bearing the next following numbers, and the third class shall include the remaining wards bearing the higher numbers, and said commission shall then appoint one director to represent each ward in such city, those appointed to represent wards in the first class to serve for three years, those representing wards in the second class to serve for two years, and those representing wards in the third class to serve for one year, and thereafter the commission shall annually on the third Tuesday in April appoint successors to the directors whose terms expire, such successors to hold office for three years from the date of their appointment. All vacancies in said board of school directors caused by resignation, removal, death, or resulting from any other cause, shall be reported to the secretary, and the school board commission shall, upon notification by the secretary, immediately appoint a successor for the unexpired term. The members of every school board commission and board of school directors shall, before entering upon the duties of such office, take and subscribe the oath of office prescribed in the constitution of this state, and shall file the same, duly certified by the officer administering the same, with the city clerk.

SECTION 5. The board of school directors so appointed shall meet on the first Tuesday in May in each year, and organize by the election of the proper officers. A president shall be elected from their own number by said board to serve for one year or until his successor shall be chosen, and in his absence or during his disability the board shall elect a president pro tempore. The seat of any member shall be declared vacant, and the vacancy shall be filled by appointment in the manner hereinbefore provided, if the board reports to the commission that said



member has been absent for four successive meetings of the board without a satisfactory reason. In case of the absence or inability, from any cause, of any officer appointed by said board, to perform the duties of his office, said board may appoint some suitable person to act in his place and stead during his absence or inability; and such person shall have and possess the same power or authority as the officer whose place he is appointed temporarily to fill.

SECTION 6. The members of the board shall be subject to all the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to members of the common council in their city, and they shall be exempt from jury duty. The school board commission may remove any member of the board for causes for which members of the common council are removable. The board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order, without a previous ordinance or resolution of the common council. A majority of the members of the board who have duly qualified, shall constitute a quorum for the transaction of business, but a smaller number may adjourn. A majority of the whole board shall be necessary to elect any officer authorized to be elected by said board. Regular meetings of the board shall be held at least once each month at stated times to be fixed and published by the board in its rules, and special meetings may be called and held as shall be provided by the rules of the board, at which no other business shall be transacted than that specified in the notification thereof, which shall be given personally or mailed to each member, at least twenty-four hours before the time of such meeting.

SECTION 7. The board of school directors of each city in which this act shall be applicable is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state to instruction therein. The common council, upon recommendation and request of the said board as hereinafter provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city. The selection of sites for school buildings and the adoption of plans for the erection of school buildings shall be determined, first, by the concurrent action of a committee consisting of the superintendent of schools, the president of the board of school directors, the building inspector of said city; the members of the board of public works, the chairman of the committee on schools of the common council, and the chairman of the committee on public buildings and grounds of common council, if any or all of such

officers or committees there be, and if not, then by a committee consisting of such of said officers as there may be and three members of the common council of such city to be appointed by the president thereof, and the decision of such committee so formed as aforesaid shall be subject to the approval of the common council, and shall not be modified or amended by said common council, except as to the amount of money appropriated for the execution of the work, the purchase of sites, or the fulfillment of contracts involved in the adoption of such committee's recommendation; provided, that if such committee shall be divided in opinion, with a minority of at least three members, then the common council shall finally decide and may amend such report, and adopt the same in such form as said common council shall deem best. The schoolhouses now erected and the lots on which they are situated, and the lots now or hereafter purchased for school purposes, and the schoolhouses thereon erected shall be the property of the city, and no lot shall be purchased or leased, nor shall any schoolhouse be erected without an ordinance or resolution duly passed by the common council. Deeds of conveyance and leases shall be made to the city. The said board shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools. The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the schoolhouses of their city, and to fix their compensation; but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides, and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

SECTION 8. The board of school directors shall have the power to adopt for use in the several public schools of any such city, suitable text-books, subject to the provisions of the next following section. Said text-books shall be uniform in the various schools, and when the board shall have adopted, for use in the public schools of any such city, any text-book, or text-books, the same shall not be changed by the board for five years next thereafter; and the board shall require that the system of instruction in the several schools under its control shall be as nearly uniform as possible, and shall adopt at its discretion, and modify or repeal, by-laws, rules and regulations for its own government, and for the organization, discipline and management of the public schools under its control, and generally adopt such measures as shall promote the good order and public usefulness of said schools; provided, that such by-laws, rules and regula-

tions shall not conflict with the constitution and laws of the state.

SECTION 9. The board of school directors shall elect by ballot on the first Tuesday of March next following the date of their first appointment, and every third year thereafter, a person of suitable learning and experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of schools, for superintendent of schools, and said superintendent shall hold his office for three years, or until his successor is elected, except in case of removal as hereinafter provided. The superintendent of schools shall, under the direction of the board, have a general supervision of the public schools in the cities aforesaid and of the manner of conducting and grading them, and of the teachers; and shall appoint, subject to confirmation by the board, an assistant superintendent, and such other assistants and supervisors of the several departments as may be authorized by the board; provided, that the creation of any new office or the increasing of any salary of any officer, teacher or employe, by the said board of school directors, shall, after the adoption of any resolution therefor by said board be submitted to the mayor of any such city who may exercise the veto power with respect thereto, in the same manner and with like effect as he now may exercise such power with the respect to resolutions of the common council of any such city. Such superintendent shall, in connection with the assistant superintendent and the president of the board, and two members of the board to be appointed by the president acting as a committee, examine, certificate, employ, classify, transfer and promote teachers for the several public schools of his city, on a strict basis of eligibility and fitness, subject to confirmation by the board; and he shall, together with said assistant superintendent and president, and two members of the board select and determine courses of study in the schools under his supervision, and the text books to be used therein, subject to confirmation by the board, and he shall do and perform all such other duties as may be required by the board; provided, that in case of disagreement and failure of decision by a majority vote of said committee consisting of the superintendent, assistant superintendent and president and two members of the board, the board may determine the matter by a majority vote of its qualified members; and he shall, also, in connection with the assistant superintendent and president, and two members acting as such committee, by a majority vote thereof, dismiss teachers and janitors for misconduct, incompetency, inefficiency or inattention to duty. Said superintendent shall receive a salary not exceeding four thousand dollars per annum, to be fixed by the board of school directors. The assistant superintendent and other assistants and supervisors here-

inbefore referred to shall hold their several positions during the term for which the superintendent is elected, except in case of removal by him. The salary of the assistant superintendent shall not exceed two thousand five hundred dollars per annum, and the other assistants and supervisors shall receive such compensation as the board may determine. The superintendent and assistants who may be in office at the time this act shall go into effect, in any city, shall continue in office until the election provided for by this section, subject to removal as in this act provided.

SECTION 10. The board shall also appoint, as a vacancy shall occur, some suitable person to act as secretary of the board, who shall receive a salary not exceeding two thousand dollars per annum, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform such other duties as shall be required of him by said board. The secretary of the board shall, before entering upon the duties of his office, execute a bond to the city for which such is appointed, in such form and penalty and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city, and the board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe, additional bonds and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city as may be directed and required by the board, and he shall receive for such service a compensation or fee of two cents per capita upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the board and paid out of the funds provided for the support of the schools.

SECTION 11. It shall be the duty of the secretary of the board, within thirty days after the appointment of teachers and other salaried employes, to report to and file with the city comptroller or other auditing officer of the city, a duly certified list of teachers and employes so appointed, with the salary allowed to each and a statement of the time or times fixed for the payment thereof. He shall also as often as any action by said board changing the salaries of any of the officers of said board, or of any of such teachers or employes, or making a new election or appointment to any position entitling the person appointed to

receive a stated salary, immediately after such action is had, in like manner file with such comptroller or other auditing officer a certified list and statement of all such changes and appointments. All claims and demands against the city or board, before they are allowed by the board, shall be audited and adjusted by the comptroller or other auditing officer of such city and immediately after the allowance by the board of any claim or account, it shall be the duty of the secretary of the board to furnish to such comptroller or other officer a complete list of the same, together with the proper vouchers, stating the character of the material or service for which the same were rendered; and before a warrant shall be issued therefor, it shall be the duty of such comptroller or other officer to sign the same. And said secretary shall also make and file with the said comptroller or other auditing officer quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the board during the three months next preceding such statement.

SECTION 12. The superintendent of schools, or the secretary of the board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same, shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon. And the accused shall be heard by himself or counsel, and either party may produce witnesses who shall be sworn by the president of the board and give testimony subject to the pains and penalties of perjury.

SECTION 13. The board of school directors is hereby authorized, and it shall be their duty, to maintain the high schools now established in said cities, and to establish and maintain such other high schools as may from time to time be found necessary by them, and said board shall divide said cities into high school-districts, and said schools shall be open to students residing within said districts.

SECTION 14. The high schools shall be public schools, and as such, under the same supervision and control in respect to location, buildings, leases, furniture, teachers, text books, and course of study, and all other matters as is provided hereinbefore in the case of common schools.

SECTION 15. The course of study in the high schools shall be liberal, and shall embrace such studies as said board and the superintendent may deem proper, and the board shall have power to grant diplomas in testimony of scholarship and literary acquirements.

SECTION 16. The said board shall report to the common council of each city under this act, at or before the first meeting of

the council in January in each year, the amount of money required for the next fiscal year for the support of all the public schools, including high schools in said city; and it shall be the duty of said common council to levy and collect a tax in addition to the tax to be levied for general city purposes upon all the taxable property of said city, at the same time and in the same manner as other taxes are levied and collected by law, which with the other funds provided by law and placed at the disposal of said city for the same purpose, shall be equal to the amount of money required by said board for the support of said schools; provided, that the said common council may by the vote of two-thirds of all the members elect, levy a tax for a greater or less amount for such purpose. The said tax and the entire school fund of the city shall not be used or appropriated directly or indirectly for any other purposes than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, the legally qualified teachers, whose appointments are confirmed by said board, and such other employes as the board may deem necessary, and the necessary and current expenses of the schools, including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power and the ordinary and necessary repairs of school furniture. All moneys received by or raised in such city for school purposes shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of said board, countersigned by the city comptroller; provided, that the president instead of signing each order may certify upon the pay rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by said board.

SECTION 17. The common council shall, in addition to the funds hereinbefore provided for the support and maintenance of the public schools, set aside from the general city fund a sufficient sum of money to be subject to the order of the board of school directors upon bills duly allowed, to defray the expense of urgent and necessary repairs of school buildings, including floors, interior wood work, plumbing, heating and ventilating apparatus, windows, plastering, roofs, fences and sidewalks, and such minor repairs as may be indispensable to the health and safety of the occupants of such school buildings.

SECTION 18. The board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively, the result of the annual enumeration re-

quired by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year, distinguishing the amount received from the state fund from the amounts derived from taxes levied by the county board of supervisors and by the common council respectively, and the accounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society at Madison.

SECTION 19. No member of the school board commission or board of school directors, superintendent, assistant superintendent, secretary of the board, other assistant, teacher of any common school or high school, or janitor or other employe of the board, shall be in anywise interested in any purchase or sale of any real or personal property by the city for the use or convenience of any of the schools, and no such contract made in violation of this provision shall be valid, and any consideration paid by the city upon any such purchase or sale herein prohibited, may be recovered in an action at law in the name of the city aggrieved thereby, and any person so offending against the provisions of this act shall be removed from any position held by him under this act.

SECTION 20. The members of the school board of any city who may be in office at the time this act shall go into effect in such city, shall continue to act as such board until the date herein prescribed for the first meeting and organization of the board of school directors for such city to be appointed under this act, and their official term and authority shall then cease.

SECTION 21. This act is not intended to affect the term of office of any person now serving in any capacity by virtue of an appointment heretofore made by the school board in any such city, but such officer shall continue to serve in the same capacity under the board of school directors hereby created for the term for which he was so appointed; subject, nevertheless, to be removed from such office for the causes and in the manner mentioned in this act. Any vacancy for any cause occurring in any office, subject to the provisions of this act, shall be filled by appointment for the unexpired term.

SECTION 22. This act is amendatory of the charters of the various cities to which it applies or may hereafter become applicable, and any provisions of said charters inconsistent herewith is hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent hereof. All acts or parts of acts contravening the provisions of this act are hereby repealed.

## TEXT-BOOKS IN CITIES, ETC.

**Text-books, how prescribed in cities — How changed —** SECTION 514. The several boards of education having the government in cities of the public schools shall determine what school and text-books shall be used in the several branches of study pursued in the schools and shall make a list of such books, file a copy with their clerk or secretary and keep a copy publicly posted in each school building. When any such text-books shall have been adopted they shall not be changed for the term of three years. Any board of education in any city where the district system is not in force may, under the limitations of this act, order changes in text-books; provided, that said changes shall be approved by the common council or board of aldermen of such city; and the aforesaid boards of education are hereby authorized to purchase text-books for use in the public schools, and to loan or furnish them to pupils under such conditions or regulations as they may prescribe. But no text-books shall be permitted in any free public schools which would have a tendency to inculcate sectarian ideas.

## SCHOOL OF SCIENCE.

**School of science, etc. —** SECTION 391*b*. There is hereby annually appropriated out of any funds in the state treasury not otherwise appropriated, the sum of one thousand dollars to aid in maintaining a summer school of science, literature, language and pedagogy, in connection with the University of Wisconsin.

**Teachers and expenditures —** SECTION 391*c*. All teachers employed in the school mentioned in section one of this act shall be designated by the state superintendent and the president of the university jointly, and all expenditures for assistants, apparatus and other incidental purposes, together with the salaries of teachers, shall be certified by the same officials.

**How expenses paid —** SECTION 391*d*. Whenever the state superintendent and the president of the University of Wisconsin shall certify that a summer school for teachers has been maintained during the months of July or August in any year for the period of four weeks or more, and the person named in the certificate is entitled to the sum named therein for services or material furnished in connection therewith, the secretary of state shall draw his warrant on the state treasurer in payment thereof. But no warrant shall be drawn in excess of the amount herein appropriated in any year.



## EXTRACTS FROM REVISED STATUTES — OFFENSES.

**Injury to public buildings, to timber on state or county lands; removing stone or mineral from lands, etc.** SECTION 4442. Any person who shall wilfully, maliciously or wantonly cut down, injure or destroy any tree or timber, growing or standing upon land belonging or mortgaged to or held in trust by the state, or any county therein, or take and carry away any timber or wood so cut or severed, or previously cut and severed, and remaining upon said land, or who shall so dig or carry away any mineral, earth or stone from such land, or mutilate, deface, injure or destroy any building or other structure belonging to the state, or to any county, town, city, village, school-district or school board, board of trustees, corporation, company or association, and used for religious, educational, penal, correctional, charitable or other public purposes, or any building or any personal property whatever, of any private person or co-partnership, shall be punished by imprisonment in the county jail, not more than six months, or by fine not exceeding one hundred dollars.

**Officers not to do various things** — SECTION 4549. An officer, agent or clerk of the state, or of any county, town, school-district, school board, city or village therein, or in the employment thereof, or any officer, regent, treasurer, secretary, superintendent, clerk or agent, of any penal, correctional, educational or charitable institution, instituted by or in pursuance of law, within this state, or any member of any body or board, having charge or supervision of such institution, who shall have, reserve or acquire, any pecuniary interest, directly or indirectly, present or prospective, absolute or conditional, in any way or manner, in any purchase or sale of any personal or real property or thing in action, or in any contract, proposal or bid in relation to the same, or in relation to any public service, or in any tax sale, tax title, bill of sale, deed, mortgage, certificate, account, order, warrant or receipt, made by, to, or with him, in his official capacity or employment, or in any public or official service, or who shall make any contract or pledge, or contract any indebtedness, or liability, or do any other act, in his official capacity, or in any public or official service, not authorized or required by law, or who shall make any false statement, certificate, report, return or entry, in any book of accounts or of records, in respect to anything done or required to be done by him officially, or in any public or official service, shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding five hundred dollars.

**Officers not to discount claims; neglect of duty — SECTION 4550.** Any person mentioned in the next preceding section, who shall pay, redeem, discount or purchase, any debt, claim or demand, in favor of any other person against the state, or any county, town, school-district, school board, city or village therein, or against any fund thereof, below the true and full amount thereof, or who shall pay any such debt, claim or demand, for any purpose, out of any fund not provided for such purpose, or who shall willfully violate any provision of law, authorizing or requiring anything to be done, or prohibiting anything from being done, by him in his official capacity or employment, or who shall refuse or wilfully neglect to perform any duty in his office required by law, or shall be guilty of any wilful extortion, wrong or oppression therein, shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding five hundred dollars.

**Refusal to deliver money, books, etc., to successor — SECTION 4553.** Any public officer whatever, in this state, who shall, after the expiration of his term of office, refuse or wilfully neglect to deliver, on demand, to his successor in office, after such successor shall have been duly qualified and be entitled to said office according to law, all moneys, records, books, papers, or other property belonging to said office, and in his hands or under his control by virtue thereof, shall be punished by imprisonment in the county jail, not more than six months, or by fine not exceeding one hundred dollars.

**Disturbing schools — SECTION 4572.** Any person who shall wilfully, maliciously or wantonly interrupt, or in any way molest or disturb any private or public school, while in session, shall be punished by imprisonment in the county jail, not more than thirty days, or by a fine not exceeding fifty dollars.

**Removal of county superintendent — Judge — SECTION 975.** The judge of the circuit court may in term-time or vacation, by an order specifying the cause thereof, a copy of which he shall certify to the county clerk, remove any county superintendent of schools in his circuit for incompetency, wilful neglect of duty, or for acting as agent for, or receiving any fee or reward from any author, publisher, bookseller, or dealer in school books, maps or charts, or school library books, or school furniture or apparatus. Such removal shall be made only upon a petition, setting forth fully the charges preferred against him, and after a copy thereof, with a notice attached, stating the time and place, when and where such petition will be presented to such judge, shall have been personally served upon such superintendent at least thirty days before the hearing, and an opportunity given him to be heard. The testimony shall be taken and the proceedings conducted summarily under such reasonable regulations as the judge shall prescribe.

**Physical education** — SECTION 1. (Chapter 86, laws of 1897.) Physical education may form a part of the regular school curriculum in all normal, high and city schools, entirely or partly maintained by the state.

SECTION 2. In all normal schools and normal departments of high schools the instruction of the pupils may be such as to enable them to become competent teachers of physical education in common or graded public schools.

**Investment of school funds.** — SECTION 1. (Chapter 88, laws of 1897.) The board of education or school board of any city in this state having the care or custody of school funds, or management of the finances of the public schools therein, may, for the purpose of better securing or protecting such funds, by a vote of a majority of all of its members elect, in lieu of designating banking depositories or any other disposition provided for the care or keeping of such funds, invest the same, or such portion or portions thereof, as it may deem expedient, in the registered bonds of the United States, at their market value.

SECTION 2. Whenever such board of education or school board shall, by resolution adopted at any regular meeting by such majority vote, decide to make such investment of any portion of such funds, the treasurer of such board shall be directed to purchase such bonds with such funds and register and keep the same under such regulations as such board may prescribe.

SECTION 3. Whenever such bonds have been purchased for said purpose, such board may at any time direct its treasurer to sell the same for cash, at their market value, or parts thereof, from time to time, for current expenses, as said board shall deem expedient, and provide for the keeping of such bonds in accordance with other provisions of law pertaining thereto.

**Arbor and bird day** — SECTION 1. (Chapter 61, laws of 1897.) Section 1, of chapter 417, laws of 1889, is hereby amended by striking out all of said section and substituting therefor the following, so that said section when so amended shall read as follows: Section 1. The governor is hereby authorized to set apart each year by proclamation, one day, to be designated as Arbor and Bird day, and to request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees, the adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them.

**Auditing of accounts** — SECTION 1. (Chapter 296, laws of 1895.) No claim or account shall be hereafter paid by or under the authority of the board of regents of normal schools and the

board of regents of the state university unless the said claim or account shall specify the nature and particulars thereof, and be verified by the oath, affidavit or affirmation of the claimant or his agent, in writing, and shall have been certified in writing thereon by the officer or member of said board designated by resolution of said board to certify claims and accounts for payment.

**SECTION 2.** It shall be the duty of each of said boards within ten days after the expiration of any quarter to transmit to the secretary of state an itemized statement of all payments made by it or under its authority during the preceding quarter, certified by the president and secretary of said board, which said statement shall be included in the biennial report of the secretary of state.

**Women on school boards — SECTION 1.** (Chapter 51, laws of 1897.) Any city of the second or third class, now existing under special charter, as defined by chapter 238, of the laws of this state, passed in 1895, may by ordinance adopt section 2 of this act in the manner following: Such ordinance shall be introduced at some regular meeting of the common council and no action shall be taken thereon before the next regular meeting thereof, or some later one; and before final action is taken thereon it shall be published at least once in each week for three successive weeks in the official paper, or some other newspaper to be designated by the city council, together with a notice of the time at which such proposed ordinance will be considered. No city shall be deemed to surrender any part of its special charter till these requirements shall have been fully performed. The adoption of such ordinance shall be by at least three-fourths of all the members-elect of the common council voting therefor. When adopted as herein provided such ordinance shall be deemed a repeal of all parts of the special charter inconsistent therewith and an amendment thereof to conform thereto.

**SECTION 2.** Any woman over twenty-one years of age having an actual residence of at least one year next preceding the time of her election or appointment in the ward or district from which she may be elected or appointed, owning at that time real estate in her own right situate in such ward or district, may be elected to or appointed upon school board or boards of education in such cities, and hold and exercise all the powers and duties of such office, as if she were an elector at general elections in this state. Removal from such ward or district will create a vacancy in the office so filled.

**Interest on school loans — SECTION 1.** (Chapter 73, laws of 1895.) The commissioners of public lands are hereby authorized and directed to credit any school-district to which a loan has been made from the trust funds since the passage of chapter 187,

of the laws of 1893, any and all amounts of interest paid by such school district in excess of four per cent., as required by said chapter; said credit to be given upon the next payment of interest falling due upon said loan, and said commissioners are further authorized and directed to reduce the interest hereafter to be paid upon all such loans to four per cent. per annum.

**Construction of schoolhouses**—SECTION 1636c. (Chapter 190, 1885.) All churches, public and private schoolhouses, hotels, factories and other manufacturing establishments, constructed at any time after the passage of this act, shall be so constructed that the doors shall swing outward, or both in and out, as the builders thereof may elect.

**State aid for instruction of deaf mutes**—SECTION 1. (Chapter 321, laws of 1897.) Section 3, of chapter 315, laws of 1885, as amended by section 1, of chapter 305, laws of 1893, is hereby amended by striking out the words "one hundred and twenty-five" where they appear in said section and inserting in lieu thereof the words "one hundred and fifty."

GENERAL CHARTER LAW DIVIDING CITIES INTO CLASSES AND PROVIDING FOR THEIR INCORPORATION AND GOVERNMENT.

**Schools**—SECTION 113. In every city which shall adopt this act for its government, if there shall be at the time of such adoption a board of education or school board, elected by the people under the provisions of its charter, or where the school district system is in force, the election and organization, powers and duties of such board shall not be effected by this chapter, but such system shall continue as the law of such place, until changed by a vote of the electors of the city. In all other cities governed by this act, the board of education shall consist of one commissioner from each ward and three from the city at large, to be appointed by the mayor and confirmed by the common council. The mayor, in appointing the first board under this act, shall divide the members into three classes, as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have been appointed and qualified. After that, all commissioners shall be appointed, and shall hold their offices for the term of three years, and until their successors shall have been appointed and qualified.

SECTION 114. The first meeting of the board each year shall be held on the first Monday in May, or as soon thereafter as may be. At its first meeting each year the board shall elect one of its members president and another vice-president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and he shall perform such other duties as the board shall, by rule, by-law or resolution, from time to time require of him. It shall be the duty of the vice-president to discharge the duties of the president in his absence.

SECTION 115. In cities of the first class the board of education shall annually at its first meeting, or as soon thereafter as may be, elect a secretary, who shall not be a member of the board. In cities of the second, third and fourth classes, the city clerk shall be *ex-officio* secretary of the board. In cities not under the supervision of a county superintendent, the board shall in like manner, annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year and until their successors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members.

SECTION 116. The board of education shall have authority:

First. To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient.

Second. To establish and change, from time to time, such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require: provided that in cities adopting this act, or being newly organized under it, the school-districts already established shall remain until otherwise ordered by the board.

Third. To purchase and preserve such school apparatus as may from time to time be required.

Fourth. To grade the schools and prescribe the course of study to be pursued therein, and to prescribe the text-books to be used, provided that such text-books shall not be changed oftener than once in five years.

Fifth. To employ teachers of all grades and fix their salaries.

Sixth. To prescribe rules of order for the regulation of their own meetings and deliberations, alter and repeal the same from time to time as they shall see proper.

Seventh. To appoint all necessary standing and special committees.

Eighth. To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

Ninth. To fix the salaries and prescribe the duties of the superintendent of schools in cities not under the supervision of a county superintendent, to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and to fix the salaries of such assistant superintendents; to fix the salary of the secretary of the board and his assistants, and prescribe the duties of the secretary whether he be the city clerk, or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

Tenth. To contract for and purchase all necessary fuel for the schools and school offices, and to provide for lighting the same, and to appoint janitors for the school buildings and school offices, and to fix their salaries.

Eleventh. To estimate the expenses of the public schools of the city as hereinafter provided.

Twelfth. To exercise all the powers necessarily incident to the powers herein conferred.

SECTION 117. It shall be the duty of the board of education to hold monthly meetings at such times as the board shall from time to time prescribe, and special meetings of the board may be held under such rules and regulations as such board may prescribe.

SECTION 118. It shall be the duty of the board of public works, under the direction of the common council to erect and keep in repair all school buildings and to provide suitable offices for the board of education, the secretary of the board of education, if there be one, other than the city clerk, and the city superintendent of schools, if any. In the absence of permanent school buildings, or proper offices for the transaction of school business, the board of public works may rent suitable rooms, temporarily, for schools or offices, or either.

SECTION 119. The board of education shall as early as the first day of October each year, make an estimate of the expense of the public schools in the city for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and to certify the same to the city clerk, who shall lay the same before the common council, who shall include the same, or so much thereof as they shall approve, in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether

by the state, the county, or the city, coming into his hands, in a separate fund, to be called the school fund, and to pay out the same upon the orders of the board of education, signed by the president and certified by the secretary of that board; provided, that in any city adopting this act, if at the time of such adoption the board of education or school board shall have power to levy the city school tax, or the district school taxes, such power shall continue unaffected by this chapter, and this section shall not apply to such city, nor be in force therein, until specially adopted by a vote of three-fourths of the members of the council; provided, that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll, to be signed by the president and certified by the secretary of the board of education.



## XV. TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

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**Each town a district — Subdistricts —** SECTION 516. Every town which is now or may hereafter be organized in this state is hereby declared and constituted one school-district, for all the purposes in this chapter hereinafter prescribed, and the several school-districts and parts of joint districts, which are now or may hereafter be established in the several organized towns, shall be styled and known as subdistricts, whenever such town shall have voted to adopt the township system of school government, as provided in section five hundred and fifty-two.

**Subdistricts, how formed —** SECTION 517. New subdistricts may be formed, and the boundaries of any subdistrict may be altered by the town board of directors at any regular meeting of said board; but the formation and alteration of any joint subdistrict shall be by concurrent action of the boards of directors of all the towns embraced in part in such subdistricts; provided, that no subdistrict shall be maintained or hereafter formed which has residing within its limits less than fifteen children of school age; provided, further, that in any subdistrict the town board may maintain so many branch schools as the convenience of the school population may require.

**Board of directors —** SECTION 518. The clerks of the several subdistricts in any organized town, together with the clerks of the joint subdistricts, the schoolhouses of which are situated in such town, shall constitute the town board of school directors.

**Their powers —** SECTION 519. The said board shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board of school directors of the town of ——" (the name of the town to which the board belongs), and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding real and personal estate, and of selling the same,

as authorized by the provisions of this act; and the clerks of the various school-districts, together with the clerks of the joint school-districts, the schoolhouses of which are situated in any town adopting the township system, shall constitute the first board of directors of such town; they shall meet and organize within two weeks after the election at which such township system shall be adopted; and they shall hold their offices until the next annual meeting of the subdistricts of such town.

**Lease of school property** — SECTION 520. The board of directors in each town are hereby invested, in their corporate capacity with the title, care and custody of all schoolhouses, schoolhouse sites, furniture, apparatus, and other property of all kinds belonging to the subdistricts therein, with full power to control the same in such manner as will best subserve the interests of the schools in such town.

**Time and place of meetings of board** — SECTION 521. The said board shall hold two regular meetings in each year. The first regular meeting shall be designated the annual meeting, shall occur upon the second Monday in July in each year, and be held at, or as near as may be, the place where the last annual election was held. The second regular meeting shall be designated the semi-annual meeting, shall occur on the third Monday in March in each year, and be held at such place as the board may designate by rule, or at the preceding annual meeting. The hour of meeting shall be ten o'clock in the forenoon.

**Special meetings, how called — Expenses of board** — SECTION 522. Special meetings may be called by the secretary, or in his absence or disability, by the president, upon the application of one-third of the members of the board. Such meetings shall be called by notifying each member of the board personally, or by leaving a written notice at his place of residence or business, stating the time, place and objects of the meeting, at least five days before the time appointed therefor. The members of the board of school directors shall be reimbursed for expenses actually and necessarily incurred in attending all meetings of the board, bills for which shall be audited by the board.

**Officers of board — Secretary's compensation** — SECTION 523. The members of the board of school directors, a majority of whom shall constitute a quorum, assembled at the first and each succeeding annual meeting, shall elect from their number a president and a vice-president; also a secretary, who may or may not be of their number, but who shall be a resident of the town to which the board belongs, and hold said office for one year, or until his successor is elected. Such secretary shall receive a compensation for services rendered at not less than two nor more than three dollars per day; by vote at the annual

town meeting the electors may limit the number of days for which he shall receive compensation during the year, and he shall present a statement of his services rendered at the annual meeting of the board.<sup>4</sup> Vacancies in either of the offices herein provided for may be filled at any special meeting of the board, the notice for which shall state the object of the meeting to be, to fill the vacancy existing, or at any semi-annual meeting, and persons elected to fill any vacancy shall hold the office for the remainder of the unexpired term.

**Powers of board as to school buildings, sites, etc.**—SECTION 524. The board of school directors of each town shall have power, out of the funds provided by the town for that purpose, to purchase or hire sites, houses and rooms for the use of schools, and to fence and improve the same, as they may deem proper, and upon such sites to build, enlarge, alter, improve and repair schoolhouses, outhouses, or any other building for school purposes; they may provide suitable water supply as they may deem advisable. The board may, in their discretion, provide for the transportation of all pupils to and from the schoolhouse who live more than one and a half miles from the schoolhouse. Whenever, in the opinion of the board, any schoolhouse or schoolhouse site is no longer needed for school purposes, the same may be sold and conveyed in the corporate name of the board, such conveyance to be executed by the president and secretary of the board.

**Estimates of expenses**—SECTION 525. Said board shall, at the regular meeting in March, annually estimate and determine the amount of money which will be necessary for the support of schools, and for the building and repairing of schoolhouses in the town, for the year beginning on the first day of July next following.

**Schools, how long to be kept—Rules for**—SECTION 526. Said board shall establish and maintain such and so many schools in the several subdistricts under their charge as they may deem requisite and expedient, provided, that there shall be at least one common school in each subdistrict, and that all such schools shall be kept each year not less than six months. The board shall have in all respects, the supervision and management of all the schools, with full power to adopt, enforce, modify and repeal from time to time, all rules and regulations not inconsistent with the laws of this state necessary for their organization, gradation and control, and for the instruction given by them in the different branches of education taught therein, and to establish and enforce proper penalties for the violation of such rules.

**General powers of board**—SECTION 527. All powers conferred upon district boards by the provisions of this chapter,

excepting those the exercise of which would conflict with the provisions of law relative to the township system, are hereby conferred upon the town boards of directors herein provided for.

**Executive committee, powers of**—SECTION 528. The president, vice-president and secretary of the town board of directors shall constitute an executive committee, who shall carry out, put in force and execute all orders of the board; and for this purpose all power and authority vested in such board shall be deemed vested in the executive committee; and any duty devolved upon the said board shall devolve upon the executive committee; but all the acts of the executive committee shall be subject to review by the board at any regular meeting thereof.

**Employment of teachers — Terms of contract**—SECTION 529. The executive committee shall employ so many qualified teachers as they shall deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing, shall be signed by the teacher and by the president and secretary, shall specify the wages per week, month or year, agreed upon by the parties, and when completed shall be filed in the office of the secretary of the town board of school directors, with a copy of the teacher's certificate attached thereto.

**Secretary's duties**—SECTION 530. The secretary shall record all the proceedings of the board; he shall keep an accurate and specific account of all expenses incurred by the board, including a list of all orders drawn by him, with the date, amount, person in whose favor and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers and records belonging to his office, and deliver the same to his successor.

**To keep a map showing districts**—SECTION 531. He shall make and keep in his office an accurate map of his town, showing the boundaries of all subdistricts and joint subdistricts, and the location of all schoolhouses and highways therein. When a new subdistrict is formed by the board of directors, or one is altered, he shall, within ten days thereafter, certify to the clerk of each subdistrict affected by such formation or alteration, a copy in writing of the record of the action of the board in the matter.

**To supervise schools**—SECTION 532. He shall have the immediate charge and supervision of all the schools in the town, and shall, under the direction of the board, organize and grade them, and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least

twice during each term thereof; shall examine into its condition and progress, consult with and advise the teachers in regard to the methods of instruction and government, and shall report to the board from time to time such improvements as his experience shall dictate are calculated to benefit the school.

**Order for expenses, how drawn**—SECTION 533. He shall draw orders on the town treasurer for money in the hands of such treasurer, which have been apportioned to the town, and for money collected or received by him from other sources for school purposes, for the payment of teachers' wages, the purchase of school sites, the building, buying, hiring, repairing, and furnishing of schoolhouses, and for all other lawful purposes, and each order shall designate the object for which and the fund upon which it was drawn, and shall be countersigned by the president.

**Statement of receipts and disbursements—Estimates**—SECTION 534. It shall be the duty of the secretary, at least five days before the annual town meeting, or election, each year, to make to the board of supervisors of the town a written statement, showing the receipts of money for school purposes from all sources, and the disbursements of the same, actual and estimated, during the year ending on the last day of June next following, in which statement shall be given under separate heads:

1. The amount in the treasury at the beginning of the year.
2. Amount received from the state fund.
3. Amount collected by town treasurer.
4. Amount received from all other sources.
5. The manner in which the sums have been expended, specifying the amount paid under each head of expenditure.
6. Amount remaining in treasury.
7. Amount of indebtedness of the township district, and when and how payable.

The secretary shall accompany the above statement with estimates of the board of the amount necessary for the support of schools during the year beginning on the first day of July next following, specifying the sums needed, under the following heads:

1. Amount of teachers' wages.
2. Amount for schoolhouse sites, and for building, leasing or purchasing schoolhouses.
3. Amount for fuel.
4. Amount for incidental expenses, including repairs, furniture, maps, globes, charts, and for all needful schoolroom appurtenances.
5. An amount not to exceed one hundred dollars to purchase library books.

**Voters to act on statement** — SECTION 535. It shall be the duty of the town board of supervisors of each town in the state to present the statements and estimates above mentioned to the electors of the town at the annual town meeting or election, and the items of said estimates shall be passed upon separately by a vote of the electors present; but upon motion they may be increased or diminished; and if, for any reason, money for the support of schools shall not be voted at the annual town meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before mentioned to the electors, at the general election in the fall, for a vote thereon.

**To furnish registers** — SECTION 536. The secretary shall furnish school registers in the form prescribed by the state superintendent, in which every teacher in the town shall be required to enter the names, ages and studies of all the scholars attending school, and, daily, their attendance and absence, which register shall be deposited with the clerk of the subdistrict at the end of each term of school.

**Report to county superintendent, what to show** — SECTION 537. It shall be the duty of the secretary on or before the first day of August in each year, to make and transmit to the county superintendent a report in writing bearing date on the first day of August in the year of its transmission, stating:

1. The whole number of subdistricts separately set off within the town, and the number of parts of joint subdistricts in which the schoolhouses belonging thereto are located in his town.

2. The subdistricts and parts of subdistricts from which reports shall have been made within the time limited for that purpose.

3. The length of time a school shall have been taught in each of said subdistricts or parts of districts by a qualified teacher.

4. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each, designating males and females separately.

5. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual town meeting or general election.

6. The manner in which said money has been expended, and whether any, or what part remains unexpended, with such other information as the state superintendent may from time to time require.

**Assessments for schools** — SECTION 538. The town clerk shall assess all sums voted at the annual meeting or at the gen-

eral election, for the support of schools, upon the real and personal property of the town as found in the assessment roll for the year, in which said money is voted, and the sums so assessed shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be held by the treasurer, and be by him paid out on the order of the president and secretary or said board.

**Assessments if amount voted too small**—SECTION 539. If for any reason the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each subdistrict for the term of six months during the year ensuing, the secretary shall, on or before the third Monday of November of the year in which the electors shall fail to vote as aforesaid, certify to the town clerk the amount estimated by the board of directors necessary for teachers' wages, fuel, repair of schoolhouses and incidental expenses, and the town clerk shall assess the aggregate sum thus certified upon all the taxable property of the town, in the assessment roll for that year, and the town treasurer shall collect the same as other taxes.

The certificate of the secretary to the town clerk should be made on or before the *third* Monday in November. See section 472.

**Town treasurer to receive moneys**—SECTION 540. The town treasurer of each town shall apply for and receive from the treasurer of his county all money apportioned for common schools in his town, and pay out the same, together with all money collected or received by him for school purposes, upon the order of the president and secretary of the town board of directors, and for no other purposes.

**Annual meeting**—SECTION 541. The annual meeting of each subdistrict shall be held on the first Monday in July in each year. The time of such meeting shall be seven o'clock in the afternoon, and the place shall be the schoolhouse in the subdistrict, if there be one.

**What business transacted at**—SECTION 542. The inhabitants qualified by law to vote at a subdistrict meeting when assembled in annual meeting, shall have power, and it shall be their duty:

1. To appoint a chairman for the time being.
2. To appoint a secretary if the district clerk shall be absent.
3. To choose a clerk.
4. To recommend to the town board of directors the number of months they desire to have school maintained in their subdistrict the ensuing year, and whether they desire a male or female teacher; the improvements and repairs which ought to be made on the schoolhouse, outhouse, and grounds; what maps

and charts or other aids in teaching should be furnished, and generally, any thing, matter, or plan, which, in their judgment, will advance the cause of education and benefit the school of their subdistrict.

**Proceedings to be recorded — Duties of clerk.**— **SECTION 543.** The clerk shall record the proceedings of all district meetings; shall certify to the town board of directors any recommendations adopted by the electors of his subdistrict, in accordance with the provisions of the preceding section, and shall have charge of the schoolhouse, and of all property therein or belonging or attached thereto, subject to the order or direction of the board of directors.

**Clerk a member of the board — What his report to show**— **SECTION 544.** The clerk of the subdistrict shall be a member of the town board of school directors, shall attend all meetings of the board, and shall carry out all lawful orders of the same having reference to the schoolhouse of his district, or the school maintained therein. It shall be the duty of the subdistrict clerk, between the tenth and fifteenth days of July in each year, to make and transmit to the secretary of the town board of school directors a written report, dated on the tenth day of July of such year, signed by him and verified by his affidavit, showing:

1. The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district, and the names of their parents or other persons with whom such children resided respectively on the last day of June preceding.

2. The whole number of children, males and females, designated separately, between the ages of four and twenty years, taught in the district school during the year for which such report is made, by teachers duly qualified.

3. The number attending school during the year, under the age of four, and the number over the age of twenty years.

4. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law.

5. The names of all teachers employed during the year, the number of days taught by each, including holidays, and the monthly wages paid to each; and the time allowed any teacher for attendance on any institute, for which no wages were deducted.

6. The kinds of books used in the school.

7. Such other facts and statistics in relation to the schools, public or private, in such district, as the state superintendent may from time to time require. The clerk of each joint sub-



district shall report to the secretary of the town board of school directors, or to the town clerk of each town, as the case may require, a part of which is embraced in such subdistrict, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section, shall be embraced in the report made to the town in which the schoolhouse is situated.

**Notice of meeting**—SECTION 545. The subdistrict clerk shall give at least six days' notice of every annual meeting of the electors of his subdistrict, by posting notices therefor in four or more public places in the subdistrict, one of which notices shall be affixed to the outer door of the schoolhouse if there be one in the subdistrict, and he shall act as secretary of all meetings when present.

**Clerk, appointment of**—SECTION 546. When a new subdistrict is formed, or a vacancy occurs in the office of the subdistrict clerk, the executive committee of the board of directors shall appoint a clerk, who shall hold his office until the annual meeting of the subdistrict next succeeding such appointment.

**Provisions applicable to joint subdistricts**—SECTION 547. When a subdistrict is composed of parts of two or more towns, the board of directors of the town in which the schoolhouse is situated shall have the entire control of said subdistrict, and shall maintain school therein as in other subdistricts; and the clerk of such joint subdistrict shall be a member of the board of directors of said town, without regard to the town in which he may reside. At the annual meeting in July, the board of directors shall calculate and determine the cost of maintaining the schools in said joint subdistrict for the year ending on the last day of June preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town embraced in part in such joint subdistrict, together with the assessed valuation of said subdistrict, and each part thereof as found in the assessment roll of the said town for that year; on receipt of such certificate, the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town in favor of the town in which the schoolhouse of said joint subdistrict is situated, for such a proportion of the whole cost of maintaining said school as aforesaid, as the assessed value of the property of his town, embraced in said joint subdistrict, is to the whole valuation thereof; unless the proportion of such school-district taxes to be assessed in each such town shall have been ascertained, as provided in section 471, in which case he shall draw his order for such proportion, and said order shall be paid out of any money in the hands of said treasurer collected or received by him for the support of schools in his town.

**When township system not in force**—SECTION 548. In case either of the towns embraced in part in said joint sub-district shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said sub-district, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section in the returns of district taxes made by him to the town clerk of the town not having adopted such system, on the third Monday of November succeeding the receipt of said certificate; and the said sum shall be assessed and collected with the other taxes of that part of the joint sub-district, and shall be paid over by the town treasurer collecting the same, to the treasurer of the town in which the schoolhouse of said joint sub-district is situated.

**In such case, how taxes collected** — SECTION 549. When the schoolhouse of a joint subdistrict is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed, and collected as provided in this chapter; but if any portion of said joint subdistrict shall be embraced in a township which has adopted the township system, then the proportion of any district tax, which should be assessed upon the property of such part of said subdistrict, shall be certified by the town clerk of the town in which the schoolhouse of said subdistrict is situated, to the secretary of the town board of directors of the town comprising the part of the said joint subdistrict before mentioned; and said secretary shall draw an order upon the town treasurer of his town in favor of the treasurer of the joint subdistrict for the amount of tax thus certified; and the said town treasurer shall pay the same out of any money held or received by him for school purposes.

**Valuation of school property and apportionment of taxes**—SECTION 550. Prior to the erection of any schoolhouse by the board of directors, they shall estimate and determine the valuation of all the schoolhouses and sites in their town, and when so determined, the secretary shall place upon record a tabular statement, containing the number of each subdistrict, the value of its schoolhouse and site, and the valuation of its taxable property as appears from the last assessment roll of the town; and thereafter for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a schoolhouse or purchase a site, such tax shall be so distributed and assessed upon the several subdistricts, that those having the least amount invested in schoolhouses and sites in proportion to the assessed valuation of their property as appears from the record made at the time of the determination of values aforesaid, shall pay most toward said tax in proportion to the valuation of the property

at the time the tax is assessed, in order that the sums paid by the different subdistricts in the town for the purchase of sites and the erection of schoolhouses shall be equalized; but if the board of directors of any town shall decide that taxes for the purchase of sites and the erection of schoolhouses shall be assessed equally upon property, then the aforesaid provision in reference to equalizing such taxes shall not be operative in such town.

**When chapter not to apply**—SECTION 551. Whenever the territory of a school-district of an incorporated village shall extend beyond the limits of such village, the whole of such territory shall remain in such district, and form a part thereof until detached by authority of law; and such district and every village containing a graded school of three or more departments shall be exempt from the provisions of this chapter relating to the township system, except as herein provided. Whenever a school-district includes within its limits an incorporated village or city, or maintains a graded school of three or more departments, the adoption of the township system of school government by any town, city or village whose territory includes such school-district, shall not affect the boundaries, organization, or management of such school-district, but it shall be exempt from the operation of such township system and be and remain an independent school-district, and be conducted and managed in accordance with the law relating to independent school-districts, unless said school-district shall, by a majority vote of the electors of said district, at an annual or special school meeting held previous to the adoption of the township system by said town, decide to accept the township system of school government when adopted by the town of which said district is a part. And provided, further, that the voters of any such district thus exempted from the operation of the township system shall have no voice in the adoption of the township system by the town.

**How township system adopted by towns and villages**—SECTION 552. The legal voters of any town in the state may at any annual town meeting, or at any general election, vote upon the question of township school government. Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words, "township school government, yes;" or the words, "township school government, no." A separate box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed and a record thereof made as in case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have written or printed thereon the words, "township school government, yes," then the provisions of this chapter, providing for the township sys-

tem, shall immediately become operative in such town, otherwise they shall have no force or effect therein. No vote shall be taken on the question of township school government in pursuance of this chapter unless notice thereof shall be given as hereinafter provided. The town clerk of any town, upon the petition in writing of any ten electors of said town, shall publish, by posting in three of the most public places in said town, a notice in writing that the question of township school government will be submitted to the electors of said town at the ensuing annual town meeting or general election. Such notice shall be so published and posted at least ten days before the holding of any such town meeting or election; and any town having adopted the township school government according to the provisions of this chapter, may abolish the same at any town meeting or general election, in the same manner as provided for its adoption in this section; but when the system of township school government shall be adopted, it shall continue in force two years from the date of its adoption, before the question of abolishing it shall be acted upon. Whenever the electors of any incorporated village, having a graded school with three or more departments, shall desire to adopt the township system of schools, they may vote upon the question at any charter or general election held in such village; such vote shall be by ballot of the form above described, and upon like notice, and if a majority of the votes cast upon that subject shall be in favor of the adoption of said system, then such village shall become a part of the township system of the town in which the same is situated. Whenever any town having adopted the township system of school government shall vote to abolish the same, it shall be the duty of the town board of supervisors, on or before the first day of June next succeeding the date at which the vote was taken, to meet and by an order made in pursuance to section 413, of chapter 27, of the revised statutes, divide the town into suitable independent school-districts, making the order to take effect on the first day of July next following. The subdistrict clerks and the secretary of the town board of directors for the year preceding, shall make the necessary annual reports for the year ending on that day, as required by law, although the offices held by them shall have been abolished.

**Irregular proceedings validated** — SECTION 552a. Whenever any town in this state shall have attempted to adopt the township system of school government, under and pursuant to section 522, of this chapter, the validity of any and all taxes for school purposes, heretofore or hereafter levied and assessed in any such town, shall not be questioned in any action or proceeding heretofore or hereinafter commenced, so far as the regu-

larity of the proceeding of any such town, in the adoption of such township system of school government is concerned, unless the plaintiff shall show that he would be required to pay more than his equitable proportion of taxes; and any and all school taxes heretofore levied in any such towns, which have been voted at the annual town meeting, are hereby declared to be legal and valid, even though the provisions of section 535, of this chapter, shall not have been in all respects complied with.

**Loans, how paid** — SECTION 553. Whenever any school-district in any town, adopting the township system, shall be indebted at the time of such adoption upon a loan from the state, or otherwise, such district shall remain liable for the payment of such indebtedness, and no alteration of the boundaries of such district as a subdistrict in such town shall ever be made until such debt is fully paid, except as provided in section two hundred and sixty-three. The clerk of such subdistrict shall annually certify to the town clerk the sum necessary to be raised as taxes in such subdistrict for the payment of such indebtedness, with interest thereon in the same manner and with like effect, as the clerk of such district was required by law to certify the same, and the town clerk shall extend the amount of such taxes upon the tax roll, upon the taxable property of such subdistrict, in like manner as if the same had been certified by the clerk of such district; and the same shall be collected by the town treasurer and be applied by him exclusively to the payment of such debt.

**Relating to the employment of teachers** — SECTION 1. Section 529, of Sanborn & Berryman's annotated statutes of Wisconsin, is hereby amended by adding to it this proviso: Provided, however, that no such contract shall be valid until the same shall be approved in writing by the clerk of the subdistrict in which such teacher shall be employed to teach.

**Relating to school libraries** — SECTION 1. Chapter 47, laws of 1895, is hereby amended by adding to it these words to be known as section 7, of such chapter: In towns having the township system of school government, all duties herein prescribed for the town clerk shall be performed by the secretary of the town board of school directors.

**School funds** — SECTION 1. Section 540, of Sanborn & Berryman's annotated statutes of Wisconsin is hereby amended so as to read: The town treasurer of each town shall apply for and receive from the treasurer of his county all money apportioned for common schools in his town and shall keep it, together with all money collected or received by him for school purposes, in a fund separate and distinct from all other money

belonging to the town, and shall pay out the same only upon the order of the president and secretary of the town board of directors. The town treasurer shall place to the credit of the school fund all money levied in the town for school purposes before placing any sum to the credit of any other fund or paying any town order.

## XVI. OF THE DISTRIBUTION OF THE SCHOOL FUND INCOME.

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SECTION 2. Chapter 28, of the revised statutes, entitled, "of the distribution of the school fund income," is hereby amended so as to read as follows:

**Apportionment of—What schools not entitled to share in**—SECTION 554. The school fund income which shall have been received up to and including the first day of December, including the amount to accrue from the one-mill state tax provided for by chapter 287, laws of 1885, to be collected by the several counties of the state before the first Monday in February next succeeding the date of such apportionment, shall be apportioned by the state superintendent between the tenth and fifteenth days of December in each year. Such apportionment shall be made among the several counties, and the several towns, specially incorporated villages, and cities in each county according to the number of children in each over the age of four and under the age of twenty years, as shown by the reports made to the state superintendent for the year preceding, ending June 30. Whenever any town, village or city shall fail in any year to raise by tax during the year, for the support of common schools therein, a sum equal to the amount of its share from the school fund income, as determined by the county board of supervisors, in pursuance of section 1074, revised statutes, the amount of the apportionment to such town, village or city for that year shall be withheld from the next succeeding apportionment, unless the town or village board, or common council of such city, so failing, shall have transferred, as they are hereby authorized to do, from the general fund to the school fund of the town, village or city, for such purpose, the amount of deficit in such school tax, and the town, village or city clerk shall have filed with the state superintendent his certificate, showing such transfer to the school fund, and his apportionment thereof to the proper school-districts, or transfer to the board of education before the tenth day of December. No apportionment shall be made to any city, village or town for any school-district therein, for any year during which such dis-

trict shall not have maintained a common school, taught by a qualified teacher for six months, unless the state superintendent shall be satisfied that school was so taught for three months, and the failure to maintain it for the full six months was occasioned by some extraordinary cause, and not arising from neglect or intent to avoid the legal obligation; nor to any town, village or city; nor for any school-district, reports of which, as required by law, shall not have been made and transmitted during the preceding year to the state superintendent; nor to any city for any year, the report for which shall not show that the number of children between the ages aforesaid residing therein, has been ascertained by an actual census taken under the direction of the board of education or other body having the government of common schools therein, by their clerks, or persons of their appointment for that purpose, provided, that the time any school district shall have provided for the instruction and transportation of its pupils as provided in subdivision 15, of section 430, of chapter 27 of this act, shall be construed as entitling the district thus paying for the instruction and transportation to share in the apportionment of the state school fund income the same as though said school district had maintained a common school for said time.

The amount of money received from the income of the one mill tax must be considered by county boards of supervisors in determining the amount to be raised by each town, city and village, as a county school tax, and the tax thus levied must be equal to the amount received from the school fund income.

Under section 1074. of the revised statutes, the county board is required to levy a tax upon each town for the support of common schools therein during the ensuing year, which shall not be less than the amount apportioned to such town in the last apportionment of the income of the school fund. In case of new towns where no apportionment was made to such new town by the county board, then the tax levied by the town should be proportionate to that levied upon the other towns.

If by any mistake or oversight an amount less than that last apportioned is levied upon any town, the town board is authorized under the foregoing section, to transfer the deficiency from the general fund to the school fund of the town, and the town clerk will certify to the state superintendent that the transfer has been made, and that the money has been properly apportioned.



The town is then entitled to receive its share of the income of the school fund. But under section 1075, the deficiency in the tax is to be added to the school tax levied the ensuing year.

**Certificate to be made and notice given**—SECTION 555. The state superintendent shall certify the apportionment made as aforesaid to the secretary of state, and shall immediately give notice thereof to each county clerk and county treasurer, stating the amount apportioned to his county, and to each town, village and city therein. Upon receiving such apportionment, the secretary of state shall draw his warrant upon the state treasurer, payable to the proper county treasurer, for the total amount apportioned each county, and the amount of such warrant shall be paid to the county treasurer entitled to receive the same at the time when he shall pay over to the state treasurer the amount due the state on account of state taxes, as required by law.

The state superintendent is now required to make the apportionment of the entire school fund income each year between the tenth and fifteenth days of December preceding its collection, and he shall immediately give ample notice to the proper officers of the amount apportioned to each town and the sum per capita for each person of school age in order that there may be no delay in paying over to each school-district in the state the amount to which it is justly entitled as soon as the proper funds are available.

**Failure of officers to report—Correction of apportionment**—SECTION 556. Whenever any officer shall omit to make within the time fixed any statement or report required to be made to the state superintendent, he shall notify such officer by mail or otherwise, of such omission, but the failure of the state superintendent so to do shall in no manner affect the consequences of such omission. If, at any time within two years after an apportionment, in which any town, village, city or school-district was excluded upon any ground mentioned in section 554, satisfactory evidence shall be filed with the state superintendent that such exclusion was due to some mistake or omission of some officer, and that such town, village, city or school-district was legally entitled to have shared in such apportionment, the state superintendent shall certify such facts, and the amount justly apportionable thereto, to the secretary of state, and notify the county clerk and treasurer of the proper county thereof. The secretary of state shall draw his warrant

therefor, and the money shall be paid from the school fund income for the use of such town, village, city or school-district, as if originally apportioned.

**County treasurer's duty** — SECTION 557. Each county treasurer shall apply for and receive the school money due to his county as soon as apportioned, and shall immediately give notice in writing of the amount apportioned to each town, village, and city in his county to the treasurer and clerk thereof respectively, and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer, as provided by law. If any such town, village or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received, and distribute the same therewith and in the same proportion among the several towns, villages and cities entitled thereto in such county.

**Apportionment among districts** — SECTION 558. The town clerk shall apportion all school money received from the state, and also all raised by the town, among the several districts and parts of districts within the town, in proportion to the number of children between the ages of four and twenty years residing in each, taking such number from the last annual reports of their respective clerks. But if, after the date of such reports, any district shall have been altered or a new one formed, so as to render an apportionment founded on such annual reports unjust between any districts, the town clerk shall ascertain the number of such children residing in each district thus altered and formed, by the best evidence within his reach, and apportion the school money to such districts in proportion to the number of such children residing therein at the time the apportionment is made; provided, however, that the town clerk shall not include any children in his apportionment to such districts who would not have been entitled to share in the apportionment if they had remained in the districts divided. No money shall be apportioned to any district, or part of a district, except as herein provided and as provided in section 554 of this chapter, by the discretion of the state superintendent, unless the last annual report thereof, verified by the affidavit of the district clerk, shall show that all school money received from the state during the year ending with the date of such report, has been applied to the payment of the wages of a legally qualified teacher, and that a school has been taught in such district by such a teacher, for at least six months during the year ending with the date of such report; but any time which such report shall show was spent by such teacher in attendance on an institute in the county, and given by the district board without de-

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duction from such teacher's wages therefor, shall be included as part of such six months.

This section provides for the apportionment of public funds by town clerks to districts which are formed or altered after the annual reports are made to him by district clerks, and before an apportionment is made. The law now requires apportionment to be made to such districts in proportion to the number of persons of school age residing in each at the time the apportionment is made, taking into the account only such children as would have been entitled to be included, if they had not been transferred from one district to another. If children are transferred from a district which did not maintain the required months of school, by a legally qualified teacher, or from territory not included in any school district, they are not to be counted.

**Money not paid to be added to next apportionment — SECTION 559.** All money apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer, for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the money next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

**School month — SECTION 560.** In reckoning school months, twenty days, as specified in section 459, shall constitute a month, and one hundred and twenty days, six months.

It is to be carefully noted that all moneys apportioned by the town clerk, must be apportioned according to the number of persons over four and under twenty years of age residing in the several districts and parts of districts of his town, in which school has been maintained the required number of months during the past year. Money must not be apportioned to any district that does not furnish the evidence required by section 558:

1. That a school has been taught therein.
2. That the teacher thereof was duly qualified.
3. That the school was maintained the required number of months during the year, and,

4. That an amount equal to that received from the income of the school fund, has been applied to the payment of teachers wages.

No new district is entitled to any public money until it shall have had six months' school; but, if an alteration of a district be made, and a new district be formed as the result of such alteration, between the time of making the annual report and the time for making the next apportionment, the money drawn on account of the pupils thus set off from a district, after being reported as pupils of that district, must be paid to the district in which such pupils are found.

Public money of any kind remaining in the hands of the town treasurer for one year after having been apportioned by the town clerk, must be added to the amount to be apportioned for the next year.

## XVII. OF THE UNIVERSITY.

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**Location and style of**—SECTION 377. There is established in this state at the city of Madison, an institution of learning by the name and style of "The University of Wisconsin."

**Board of regents, how constituted—Terms**—SECTION 378. The government of the university shall vest in a board of regents, to consist of one member from each congressional district of the state, and two members from the state at large to be appointed by the governor, and of the ex-officio members hereinafter mentioned. The term of office of the appointed regents shall be three years from the first Monday in February in the year in which they are appointed, unless sooner removed by the governor; but appointments to fill vacancies before the expiration of the term, shall be for the residue of the term only. The state superintendent of public instruction shall be ex-officio a member of said board of regents. The president of the university shall also be ex-officio a member of the board of regents and a member of all its standing committees, but he shall have the right to vote only in case of a tie.

**Regents' powers—Officers of board, their duties**—SECTION 379. The board of regents and their successors in office, shall constitute a body corporate, by the name of "the regents of the university of Wisconsin," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and all other property of said university. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board, and of the executive committee thereof. The state treasurer shall be the treasurer of the board, and perform all the duties of such office, subject to such regulations as the board may adopt, not inconsistent with his official duties; and he and his sureties shall be liable, on his official bond as state treasurer, for the faithful discharge of such duties.

**Annual meetings** — SECTION 380. The time for the election of the president and secretary of said board, and the duration of their respective terms of office, and the times for holding the regular annual meeting and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

**Duties of regents — Additional powers** — SECTION 381. The board of regents shall enact laws for the government of the university in all its branches; elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction, either sectarian in religion or partisan in politics, shall ever be allowed in any department of the university; and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents, or in the election of professors, teachers or other officers of the university, or in the admission of students thereto, or for any purpose whatever. The board of regents shall have power to remove the president or any professor, instructor or officer of the university when in their judgment, the interests of the university require it. The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories, and all other property of the university, and of its several departments, and for the care and preservation thereof, with penalties and forfeitures, by way of damages for their violation; which may be sued for and collected in the name of the board, before any court having jurisdiction of such action.

**Building and apparatus — Other colleges may become part** — SECTION 382. The board of regents are authorized to expend such portion of the income of the university fund as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a library, cabinets and additions thereto; and if they deem it expedient, may receive, in connection with the university, any college in this state, upon application of its board of trustees; and such college so received, shall become a branch of the university, and be subject to the visitation of the regents.

**Report of regents** — SECTION 383. At the close of each fiscal year, the regents, through their president, shall make a report, in detail, to the governor, exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of professors and stu-

dents, the amount of receipts and disbursements, together with the nature, costs, and results of all important investigations and experiments, and such other information as they may deem important, one copy of which shall be transmitted free, by the secretary of state, to all colleges endowed under the provisions of the act of congress, entitled, "An act donating land to the several states and territories which provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; and also one copy to the secretary of interior, as provided in said act.

**Special reports to be made and printed** — SECTION 383*a*.

1. The board of regents of Wisconsin university, are hereby required to report to the governor the results of important investigations conducted by the director of Washburn observatory and by other investigators connected with the university, and also the results of such experiments in said university relating to agriculture or the mechanic arts as said board may deem to be of special value for the promotion of the agricultural and mechanical interests of Wisconsin; and with the approval of the governor not less than fifteen hundred of each of said reports may be printed by the state printer in separate form, on good paper and otherwise in such manner and with such appropriate quality of binding as the commissioners of public printing shall order and prescribe.

**How distributed** — 2. Three hundred copies of each of the said reports provided to be printed in the preceding section of this act shall be for the use of the senate, and five hundred copies for the use of the assembly; and the remainder shall be distributed in exchange for the publications of other scientific institutions, and for such other public purposes as the board of regents of said university may determine.

**Appropriation** — 3. There is hereby appropriated from the state treasury annually out of any moneys not otherwise appropriated, a sufficient sum of money for the purposes of this act.

**Duties and powers of president** — SECTION 384. The president of the university shall be president of the several faculties, and the executive head of the instructional force in all its departments; as such he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges, and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties; but the regents shall have the power to regulate the courses of instruction, and prescribe the books or works to be used in the several courses, and also to confer such degrees and

grant such diplomas as are usual in universities, or as they shall deem appropriate, and to confer upon the faculty by by-laws, the power to suspend or expel students for misconduct or other cause prescribed in such by-laws.

**Objects — Departments** — SECTION 385. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with literary, scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to-wit:

1. The college of letters and science.
2. The college of mechanics and engineering.
3. The college of agriculture.
4. The college of law.
5. Such other colleges, schools or departments as now are or may from time to time be added thereto or connected therewith.

**Departments, what embraced in** — SECTION 386. The college of letters and science shall embrace liberal courses of instruction in language, literature, philosophy and science, and may embrace such other branches as the regents of the university shall prescribe. The college of mechanics and engineering shall embrace practical and theoretical instruction in the various branches of mechanical and engineering science and art, and may embrace such additional branches as the regents may determine. The college of agriculture shall embrace instruction and experimentation in the science of agriculture and in those sciences which are tributary thereto, and may embrace such additional branches as the board of regents shall determine. The college of law shall consist of courses of instruction in the principles and practices of law, and may include such other branches as the regents may determine.

**Mechanic arts, appropriation for** — SECTION 386a. To provide for needed additional facilities, for instruction in the department of mechanic arts, of the state university, and for the establishment of courses of instruction in railway and electrical engineering therein, there is hereby annually appropriated to the university fund income one per cent. of the funds derived by the state from the license tax upon railroad companies, railway car companies, or other transportation companies, and upon telegraph companies, telephone companies and other electrical companies.

**Open to both sexes — Military instruction — Diplomas may be countersigned** — SECTION 387. The university shall be open to female as well as to male students, under such regulations and restrictions as the board of regents may deem



proper; and all able bodied male students of the university, in whatever college, may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state. After any person has graduated at the state university, and, after such graduation, has successfully taught a public school in this state for eight school months, the superintendent of public instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning and ability to teach, as to the said superintendent may seem proper and reasonable. Any person holding a diploma granted by the board of regents of the state university, certifying that the person holding the same is a graduate of the state university, shall, after his diploma has been countersigned by the state superintendent of public instruction as aforesaid, be deemed qualified to teach any of the public schools of this state, and such diploma shall be a certificate of such qualification until annulled by the superintendent of public instruction.

**Tuition** — SECTION 388. No student who shall have been a resident of the state for one year next preceding his admission, shall be required to pay any fees for tuition in the university, except in the law department and for extra studies. The regents may prescribe rates of tuition for any pupil in the law department, or who shall not have been a resident as aforesaid, and for teaching extra studies.

**Report of regents** — SECTION 1. Section 383*a*, of Sanborn & Berryman's annotated statutes of the state of Wisconsin, is hereby amended by striking out the words "less than fifteen hundred of each of said reports," where they occur in the eighth line, and inserting the words "more than seven hundred of the reports of the Washburn observatory;" and by striking out the words "in separate form," in the ninth line of said section, and by adding at the end of said section 383*a* the words "which shall be distributed in exchange for the publications of other scientific institutions, and for such other public purposes as the board of regents of the university may determine."

SECTION 2. Strike out subdivision 2, of said section 383*a* and re-number subdivision 3, making it 2, so that said section when amended shall read as follows: Section 383*a*. The board of regents of the Wisconsin university are hereby required to report to the governor the results of important investigations conducted by the director of the Washburn observatory, and by other investigators connected with the university, and also the results of such experiments in said university relating to agricultural or the mechanical arts as said board may deem to be of special value for promotion of the agricultural and mechanical interests of Wisconsin, and with the approval of the governor,

not more than seven hundred of the reports of the Washburn observatory may be printed by the state printer on good paper, and otherwise in such manner and with such appropriate quality of binding as the commissioners of public printing shall order and prescribe, which shall be distributed in exchange for the publications of other scientific institutions, and for such other public purposes as the board of regents of the university may determine.

SECTION 2. There is hereby appropriated from the state treasury, annually, out of any moneys not otherwise appropriated, a sufficient sum of money for the purposes of this act.

**Permanent appropriation** — SECTION 389. For the support and endowment of the university, there is annually and perpetually appropriated:

1. The university fund income and all other sums of money appropriated by any law to the university fund income.
2. The agricultural college fund income.
3. All such contributions as may be derived from public or private bounty.

**Income at disposal of regents — Gifts, etc., how disposed of** — The entire income of all said funds shall be placed at the disposal of the board of regents by transfer to the treasurer of said board, thenceforth to be distinct and independent of the accounts of the state and for the support of the aforesaid colleges or departments of arts, of letters, and such other colleges and departments as shall be established in the university or connected therewith; but all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designed by the grantor; and all gifts, grants, bequests and devices for the benefit or advantage of the university, or any of its departments, colleges, schools, halls, observatories or institutions, or to provide any means of instruction, illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be legal and valid, and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund, or rents and profits of any real estate, without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than twenty times as great as that originally given.

**Ladies' hall** — SECTION 389*a*. The regents of the university of Wisconsin shall cause the building known as ladies' hall, and now occupied by female students of the university, to be heated throughout by steam on or before the opening of the fall

term of 1889 of the university; and said building shall hereafter be known as ladies' hall, and shall be used hereafter for and by the female students attending said university, and not otherwise.

**Preceptress to be employed** — SECTION 389*b*. The regents of the university are hereby authorized and directed to employ a competent preceptress, who shall have charge and general supervision of said ladies' hall, under the direction and regulations of the said regents, at a salary of not more than fifteen hundred dollars per annum, provided that said preceptress shall perform such duties and teach such classes as said regents may from time to time require.

**Annual state tax for income** — SECTION 390. There shall be levied and collected annually a state tax of one-eighth of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount, when so levied and collected, is appropriated to the university fund income, to be used annually as a part thereof; such increase from one-tenth to one-eighth of a mill on the dollar of the assessed valuation of the taxable property of the state, shall be used for the purpose of establishing, under the direction of the board of regents of the university, a chair of pharmacy and *materia medica*, and the establishment of an agricultural experiment station; and in case a surplus accrue from the increase, for the purpose aforementioned, the board of regents shall have power to dispose of the same in the manner as of other incomes from this source, and the whole appropriation shall be deemed a full compensation for all deficiencies in said income, arising from the disposition of the lands donated to the state by congress, in trust for the benefit of said income.

**Astronomical observatory** — SECTION 391. The sum of three thousand dollars shall be set apart annually, forever, from the receipts of the tax mentioned in the preceding section, so soon as a complete and well-equipped astronomical observatory shall be given to the university on its own grounds, without cost to the state, to be expended by the regents in astronomical work and instruction; provided, such observatory be completed by the fourth of July, A. D. 1879.

**Director of observatory** — SECTION 391*a*. The sum of three thousand dollars is hereby annually appropriated out of the general fund of the state to the board of regents of the state of Wisconsin for the purpose of enabling said board to employ and maintain a director of the Washburn observatory.

**School of science, etc.** — SECTION 391*b*. There is hereby annually appropriated out of any funds in the state treasury not

otherwise appropriated, the sum of one thousand dollars to aid in maintaining a summer school of science, literature, language and pedagogy, in connection with the university of Wisconsin.

**Teachers and expenditures** — SECTION 391c. All teachers employed in the school mentioned in section 1 of this act shall be designated by the state superintendent and the president of the university jointly, and all expenditures for assistants, apparatus and other incidental purposes, together with the salaries of teachers shall be certified by the same officials.

**How expenses paid** — SECTION 391d. Whenever the state superintendent and the president of the university of Wisconsin shall certify that a summer school for teachers has been maintained during the months of July or August in any year for the period of four weeks or more, and the person named in the certificate is entitled to the sum named therein for services or material furnished in connection therewith, the secretary of state shall draw his warrant on the state treasurer in payment thereof. But no warrant shall be drawn in excess of the amount herein appropriated, in any year.

**Regent's expenses** — SECTION 392. The regents shall each receive the actual amount of his expenses in traveling to and from, and in attendance upon all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board; accounts for such expenses, duly authenticated, shall be audited by the board, and be paid on their order by the treasurer out of the university fund income. No regent shall receive any pay, mileage or per diem, except as above prescribed.

#### CHAPTER 29, LAWS OF 1891.

In addition to the amount authorized to be levied and collected annually, by chapter three hundred, of the laws of 1883, there shall also be levied and collected annually for six years, a state tax of one-tenth of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount so levied and collected is appropriated to the university fund income, and shall be used by the board of regents of the university for the construction, equipment and maintenance of an armory and drill room for the military department of the university, a building for the college of law, a building for practical instruction in dairying, and such modifications or extensions of existing buildings as the growth of the university may require. The residue which shall remain from the income hereby provided for shall be used to meet the permanent necessities arising from the growth of the university, and may be applied in the same manner as other university incomes.

## CHAPTER 241, LAWS OF 1895.

**Appropriation — One-fifth mill tax —** SECTION 1. There shall be levied and collected annually for two years an additional state tax of one-fifth of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount so levied and collected is hereby appropriated to the university fund income of the university of Wisconsin, and shall be used by the board of regents of the university for increased administration expenditures and expenditures for the department of engineering, advancing the work of university extension in the state of Wisconsin, in addition to the horticultural building, enlargement of ladies' hall with gymnasium apartments, changes and repairs in university hall, and the construction of a farm barn and purchase of a herd of cattle for the agricultural department; any residue which may remain may be applied to such uses as the regents may deem to be most important to the interests of the university; provided, that out of the income derived from said tax there shall be set apart for the college of agriculture, in addition to its present several incomes, twenty thousand dollars for the completion and equipment of the horticultural building, five thousand dollars for a dairy barn, two thousand dollars for the purchase of a herd of dairy cows, and ten thousand dollars annually for current expenses.

SECTION 2. The state tax directed to be levied and collected by chapter 29 of the general laws of Wisconsin of 1891, shall be continued after the lapse of the six years therein mentioned, and so continued shall be levied and collected annually, and is hereby appropriated to the university fund income of the university of Wisconsin to meet the current or administration expenditures of said university and may be applied in the same manner as other university fund income.

SECTION 3. The commissioners of public lands be and they are hereby authorized to direct the state treasurer from time to time to set apart by way of loan to the fund known as the university fund income of the University of Wisconsin or like university uses such excess of moneys, if any, or part thereof, in the trust fund not otherwise appropriated or required for anticipated ordinary expenditure as in their judgment shall be prudent, such loan to be repaid to the trust fund from the portions of state tax hereinbefore appropriated with interest thereon at the rate then required on deposits in bank made pursuant to chapter 273 of the general laws of Wisconsin of the year 1891, and the acts amendatory thereof.

## CHAPTER 284, LAWS OF 1897.

**One-fifth mill tax made permanent** — SECTION 1. The state tax of one-fifth of one mill directed to be levied and collected by chapter 241, of the general laws of Wisconsin for the year 1895, shall be continued after the lapse of the time therein mentioned, and so continued shall be levied and collected annually, and is hereby appropriated to the university fund income of the University of Wisconsin, for current or administration expenditures, and the construction in the order of greatest need therefor such additional buildings and works and the enlargement and repair of buildings and works as in their judgment shall be absolutely required, and can be completed within the appropriation so made; provided, that one-fourth part of the moneys so realized from such tax shall be appropriated to the uses of the college of agriculture, and, provided, that one-eighth part of the moneys so realized from such tax shall be appropriated to the uses of the college of mechanics and engineering, and, provided, that two thousand dollars shall be appropriated for the uses of the summer school of science, literature, language and pedagogy, in connection with the University of Wisconsin, authorized by chapter 458, laws of 1889, and, provided also, that one thousand dollars shall be appropriated for books for the uses of the law library of the university.

SECTION 2. The commissioners of public lands be and they are hereby authorized to direct the state treasurer from time to time to set apart by way of a loan to the fund known as the university fund income of the University of Wisconsin for university uses, such uninvested moneys or part thereof in the trust funds of the state for the period while so uninvested, as in their judgment shall be prudent, such loan to be repaid to the trust fund from the portion of such tax hereinbefore appropriated with interest at the rate then required on deposits in bank made pursuant to chapter two hundred and seventy-three of the general laws of Wisconsin for the year 1891 and the acts amendatory thereof.

## XVIII. OF NORMAL SCHOOLS AND OF ACADEMIES.

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**Board of regents—Terms of office—Vacancies—**SECTION 393. For the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "the board of regents of normal schools," composed of the governor and state superintendent, as *ex-officio* regents, and of nine appointed regents. The term of office of the regents appointed, commencing with the first Monday of February in the year in which appointed, shall be three years, and until the appointment and qualification of their respective successors; and they are now and shall continue divided into three classes, so that the term of office of three regents shall expire each year; and not more than two such members of the board shall reside in any one congressional district. The governor shall fill all vacancies by appointment, by and with the approval of the senate, if the legislature be in session, and if not then subject to the approval of the senate at the next succeeding session; but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

**Regents a body corporate—Powers—**SECTION 394. The board of regents and their successors in office are constituted a body corporate, by the name aforesaid; and may purchase, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature, which may be necessary and required for the purposes, objects and uses of the state normal schools, authorized by law, and none other, with full power to sell or dispose of such personal property or any part thereof, when in their judgment it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of, in any way, any real estate, nor borrow money, without the

express authority of the legislature; nor shall they contract indebtedness, nor incur liabilities, to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal, in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund. The entire income of the normal school fund shall be placed at the disposal of the board of regents of the normal schools by transfer to the treasurer of said board, and shall be distinct and independent from the accounts of the state, and be applied for the support of normal schools as provided by law.

**Officers of board — Terms and duties** — SECTION 395. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be *ex-officio* the treasurer of the board, but the board may appoint suitable persons to receive and pay to the treasurer any tuition fees, or other moneys that may be due from any student or other person.

**Meetings — Quorum** — SECTION 396. The said board shall hold an annual meeting at the capitol, on the second Wednesday in July in each year, or at such time as they may designate. Special meetings may be called by the governor, or by the president of the board, on a petition, signed for that purpose, by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time.

**Removal of regents — Not to act in what matters** — SECTION 397. Any regent may be removed from office for cause, upon reasonable notice, by a vote of two-thirds of all the regents. No regent or officer, trustee or person, appointed or employed in any position or capacity, connected with normal schools or normal institutes, shall at any time act as agent of any author or publisher of or dealer in school books, maps or charts, or school library books or school furniture or apparatus, or become interested, directly or indirectly in the publication, manufacture or sale of any such, as agent or otherwise; and for a violation hereof, any regent shall be expelled from the board by a majority vote of the regents.

**Compensation of regents** — SECTION 398. No member of the board of normal regents shall receive any pay for traveling



to or attendance at any meeting of the board, but for any specific service, rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member, as the board shall deem just and reasonable; and such compensation and all moneys actually and necessarily expended by any member in traveling, attending meetings, or performing any other duty or service, directed to be performed, shall be paid out of the normal school fund income in the state treasury, on accounts presented to and adjusted by the board, and certificate signed by the secretary and president thereof.

**Other normal schools -- How established -- How buildings erected** — SECTION 399. In addition to those heretofore established, the said board of regents may establish other state normal schools, at such places as they may designate, upon sites selected by them; and when, in their opinion, the educational interests of the state require it, they may proceed to erect suitable buildings upon the sites so selected, and they may enlarge, alter, or repair any normal school buildings. Whenever any such site shall be donated, then as soon as the title thereto shall be vested in them in fee in trust as aforesaid, and when money is donated, then as soon as such money is paid into the state treasury, subject to be paid out only on the warrant of the secretary of state, as provided in the next section, or secured to be paid by the deposit with the state treasurer, of United States or Wisconsin state bonds, in amount equal in value to the sums of money so donated, said board may procure suitable plans and specifications for such buildings, alterations, or repairs thereof, and employ persons to superintend the construction of the same; and they may advertise for proposals to erect, repair or enlarge any normal school building, reserving the right to reject any and all proposals made in pursuance of such advertisements; and the expense of such advertising and procuring plans and specifications shall be paid from the normal school fund income.

**Donations, etc., how collected and applied** — SECTION 400. The said board shall demand and receive the sums of money donated and subscribed by any persons, or any town, incorporated village, city or county, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same in the erection and completion of said buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for various other incidental expenses, to be incurred by said board, in pursuance of the provisions of these statutes, and if any surplus shall remain, apply the same to the expenses of conducting said normal schools; and any deficit which may arise in the erection and

completion of said buildings, and purchases aforesaid shall be paid out of the normal school fund income.

**Disbursements, how made**—SECTION 401. All payments for the erection, repairs or enlargement of any normal school building, or for fixtures and furniture therefor, and all disbursements from the normal school fund income, including the expenses of the board of visitors of normal schools, appointed by the superintendent of public instruction, and the expenses of institutes hereinafter in this chapter authorized and provided for, shall be made by the treasurer of said board of regents on the warrant of the secretary of said board, countersigned by the president thereof, drawn in accordance with the directions of the said board of regents in payment of accounts duly audited and adjusted in accordance with the rules and regulations of said board of regents; and in case of a donation, no such warrant shall be issued until the sums donated and subscribed shall have been paid in full into the state treasury, nor in any case, until the work shall be done, or services rendered, or buildings erected, or fixtures or furniture purchased, under the direction of said board, entitling the applicant to such warrant, according to a contract or agreement with said board for that purpose.

So much of sections 406 and 409, and of all other acts or parts of acts as were inconsistent with the provisions of this section, was repealed by the act of 1879 aforesaid.

**Objects of schools**—SECTION 402. The exclusive purposes and objects of each normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools: also to give instruction in the fundamental laws of the United States and of this state, in what regards the rights and duties of citizens.

**Model schools**—SECTION 403. Said board shall also establish a model school or schools for practice in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition.

**Powers of boards as to schools**—SECTION 404. The said board shall have the government and control of all the normal schools and shall have power therefor:

1. To make rules, regulations and by-laws for the good government and management of the same and each department thereof.

2. To appoint a principal and assistants, and such other teachers and officers, and to employ such persons as may be required for each of said schools; to fix the salary of each person so appointed or employed, and to prescribe their several duties.

3. To remove at pleasure any principal, assistant or other officer or person, from any office or employment in connection with any such school.

4. To purchase any needful and proper apparatus, books or articles, to assist in instruction, and to provide for all necessary fuel and supplies for the conduct of such schools.

5. To prescribe the courses of study, and the various books to be used in such schools.

6. To cause notice to be given of the opening of such schools, and the several terms thereof.

7. To prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character, or if applying as a free-pupil, will not make an apt or good teacher.

8. To require any applicant for admission, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or to secure to be paid such fees for tuition as the board may deem proper and reasonable.

9. To cause lectures on any art, science or branch of literature to be delivered in any such schools, on such terms and conditions as they may prescribe.

10. To confer by by-laws upon the principals of the several normal schools the power to suspend or expel pupils for misconduct or other cause prescribed in such by-laws.

**Diplomas and state certificates** — SECTION 405. Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state one year, the state superintendent may, after such examination as to moral character, learning and ability to teach, as to him may seem proper, countersign the diploma of such teacher, and thereafter such countersigned diploma shall be evidence of his qualifications to teach in any common school, and shall have the force and effect of an unlimited state certificate. The said board may also, on such conditions as they may determine, grant a certificate of attendance, certifying that the holder has completed the elementary

course in a normal school and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, countersign such certificate, and thereafter, such countersigned certificate shall be evidence of his qualification to teach in any common school of the state, and shall have the full force and effect of a limited state certificate.

**Visitors, appointment of — Duties —** SECTION 406. After any state normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the state superintendent who shall examine thoroughly into the condition, organization and management of the school, and shall report to the said superintendent their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the thirty-first day of August and cover the year preceeding such date.

See section 401, and the comment on the same.

**Appropriation for fifth normal school —** SECTION 406*a*.

1. There is hereby annually appropriated from any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, which, together with the balance of the normal school income, or so much thereof as may be necessary to maintain such school fund not required to support the four state normal schools now in operation, and the teachers' institutes now provided to be held at the expense of that fund, shall be applied to opening and maintaining the fifth state normal school, as provided in chapter 299, general laws of 1880.

**Duty of secretary of state —** 2. The secretary of state shall issue his warrant upon the state treasurer quarterly for one-fourth of the amount herein annually appropriated, directing the transfer of that sum from the general fund to the normal school income fund, for the uses and purposes therein specified, until the annual income of the normal school fund shall reach the sum of one hundred thousand dollars annually over and above the amount herein appropriated, when the issue of such warrants shall be discontinued, and the annual appropriation herein provided for shall cease.

3. The secretary of state shall annually apportion the amount paid by authority of this act among the several counties of the state, in the same manner and at the same time as other state taxes are apportioned.

**Standard of instruction —** 4. The normal schools shall, at all times hereafter, be fully maintained at their present curriculum and standard of study and instruction.

**Appropriation for**—SECTION 1.. (Chapter 185, laws of 1893.) There is hereby appropriated to the normal school fund income the sum of money mentioned and described in the fourth subdivision of section 1 of chapter 453 of the general laws of Wisconsin for the year 1891, the amount thereof being seventy thousand nine hundred and thirty-nine dollars and two cents, which sum was, by said act, applied to the drainage fund. This appropriation shall include the said sum of money, and shall also include all earnings thereof that have been made since the same was paid into the state treasury, and that may have been received by the state treasurer at the date of the transfer of the said sum of money to the normal school fund income, as provided herein. Twenty thousand dollars of the sum hereby appropriated may be used and expended by the board of regents of normal schools in the repair of present normal buildings and in the maintenance of such normal schools as are now established. The remainder of the said sum herein appropriated to the normal school fund income shall be applied and used by said board in building and equipping two new normal school buildings, as the board shall hereafter locate, establish and build. The secretary of state shall, immediately after the passage and publication of this act, issue his warrant for the said amount of seventy thousand nine hundred and thirty-nine dollars and two cents to the state treasurer, and the state treasurer shall, immediately upon the receipt thereof, transfer the said sum of money hereby appropriated from the drainage fund to the normal school fund income, to be used for the purposes hereinbefore specified.

SECTION 2. Any person, town, incorporated village, city or county lying in Wisconsin, is hereby authorized to donate a site and moneys, for the purpose of aiding in the construction of said additional normal school buildings, and the provisions of chapter 26 of the revised statutes of 1878, and the acts amendatory thereof, relating to the establishment of normal schools, and the donation of sites and sums of money for that purpose, shall apply to and govern all donations for the additional normal schools mentioned in this act.

SECTION 3. For the purpose of constructing normal school buildings, and of conducting and maintaining normal schools therein, there shall be levied and collected annually, hereafter, as other state taxes are levied and collected, a state tax of one-twentieth of one mill for each dollar of the assessed valuation of the taxable property of the state; which amount so levied and collected, is hereby appropriated to the normal school fund income, for the uses and purposes specified in this section.

**A one-fifth mill tax**—SECTION 1. (Chapter 91, laws of 1895.) There is hereby appropriated to the normal school fund income out of any money in the state treasury not otherwise ap-

propriated the following sums: (1) For current expenses for the year 1894-95, six thousand dollars. (2) For libraries, ten thousand three hundred dollars. (3) For equipment for chemical, physical and biological laboratories, museums of natural history, drawing departments and gymnasia, fourteen thousand seven hundred dollars. (4) For heating apparatus, repairs and furniture, forty-one thousand five hundred dollars.

SECTION 2. Section 3, chapter 185, laws of 1893, is hereby amended so as to read as follows: Section 3. For the purpose of conducting and maintaining the state normal schools, there shall be levied and collected annually hereafter as other state taxes are levied and collected, a state tax of one-fifth of one mill for each dollar of the assessed valuation of the taxable property of the state; which amount so levied and collected is hereby appropriated to the normal school fund income for the uses and purposes specified in this section. Provided, that until the seventh normal school is established and put in operation the sum of twenty thousand dollars shall be annually returned to the general fund.

SECTION 3. For the purpose of carrying out the provisions of this act, the secretary of state and state treasurer, with the consent and approval of the governor, are hereby authorized and empowered to transfer from the trust funds of the state to the general fund the sum of seventy-two thousand five hundred dollars, to be returned to the trust funds from the general fund income for the fiscal year ending on the 30th day of September, 1896.

**One-tenth mill tax**—SECTION 1, chapter 53, laws of 1897. For the purpose of conducting and maintaining the state normal schools, there shall be levied and collected, annually, hereafter, in addition to all other income now provided by law, as other state taxes are levied and collected, a state tax of one-tenth of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount so levied and collected is hereby appropriated to the normal school fund income, for the uses and purposes specified in this section.

SECTION 2. The commissioners of the public lands be and they are hereby authorized to loan to the board of normal school regents of the state of Wisconsin such part of the normal school funds as they shall deem prudent, not to exceed the sum of (\$60,000) sixty thousand dollars; such loan to be repaid from the income of the normal schools of the state of Wisconsin, and from any appropriations hereafter made for their support and maintenance, as follows, to-wit: The sum of five thousand dollars (\$5,000) February first, 1898, the sum of five thousand dollars (\$5,000) February first, 1899, and the sum of ten thousand dollars (\$10,000) on the first day of February each year thereafter until said loan is fully paid and discharged.

## TEACHERS' INSTITUTES.

**How held and conducted** — SECTION 407. Institutes for the instruction of teachers shall be held in each year, in such counties as may be designated by the state superintendent, with the advice and concurrence of said board, preference being given to such counties as receive the least direct benefits from the normal schools. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith, as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable be uniform, and be prescribed by the state superintendent, with the assistance of such agents, but subject to revision by said board.

**Funds for institutes** — SECTION 408. For the purpose mentioned in the preceding section, the said board may use such sum, not exceeding eight thousand dollars in any year, as it may deem necessary, of which not exceeding six thousand dollars shall be paid from the normal school fund income, and not exceeding two thousand dollars from the general fund, and the state superintendent may use such additional sum, not exceeding one thousand dollars, to be also paid from the general fund, as he shall deem proper, for the purpose of providing public lectures in connection with such institutes, by the professor of the theory and art of teaching of the university, or such other competent person as the state superintendent may designate, and such amounts as shall be so expended, are hereby annually appropriated from the said funds respectively.

This act increases by one thousand dollars the amount that may be appropriated from the normal school fund income for maintaining teachers' institutes and adds to the original law, a clause in the following language: "Or such other competent person as the state superintendent may designate," and simply enlarges the list of persons that may be employed to lecture at teachers' institutes.

**How warrants to be drawn for expenses** — SECTION 408a. The secretary of state is hereby authorized to draw his warrant, payable to the treasurer of the board of regents of normal

schools, for the several appropriations made by section 408 of the revised statutes for the years 1878, 1879, 1880 and 1881, upon the certificate of the president and secretary of said board of regents that the same has been expended in each of said years for the purposes designated in said section; and said secretary of state shall annually, upon presentation to him of the certificate of the president and secretary of said board of regents of normal schools, of the amount expended for the purposes mentioned in said section 408, draw his warrant for the amount, payable as above provided, such warrant not to exceed the sum of two-sevenths of the amount so certified to as actually expended.

**Normal school fund income** — SECTION 409. The normal school fund income, shall, under the direction and management of the said board, be applied, and is hereby appropriated, to the establishment and support of the state normal schools, and the purposes directed in this chapter.

See section 401, and the comment on the same.

**Report of regents** — SECTION 410. The president of said board shall make to the state superintendent an annual report, bearing date the thirty-first day of August, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures, and of all moneys received, and the prospect, progress, and condition of said state normal schools; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the state superintendent as a part of his annual report.

Amended by chapter 169, laws of 1879, which requires the president to report to the governor. The latter act was amended by chapter 320, laws of 1883, requiring all reports to be made biennially.

#### OF ACADEMIES.

**To report annually** — SECTION 411. It shall be the duty of the president of the board of trustees of every organized academy, seminary, and literary or collegiate institution, heretofore incorporated, or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded to the state superintendent, on or before the tenth day of October, in each year, a report for the year terminating



with the next preceding thirty-first day of August, setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowment, and the yearly income from all sources; the number of instructors and their respective salaries; the number of students in the different classes, and the yearly rates of tuition; the studies pursued and the books used; the course of instruction and such matters as shall be specially requested by said superintendent, or as shall be deemed proper by the president or principal of such academies or institutions to enable the state superintendent to lay before the legislature, in his annual report, a fair and full statement of the affairs and condition of such institutions.

## XIX. THE STATE SUPERINTENDENT.

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**Term and oath of office** — SECTION 164. The term of office of the state superintendent shall be two years. He shall, within twenty days after he receives notice of his election, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, which oath shall be filed in the office of the secretary of state.

**Assistant superintendent** — SECTION 165. The state superintendent may appoint under his hand an assistant, who shall take the constitutional oath of office, which, with his appointment, shall be filed in the office of the secretary of state. Such assistant shall perform such duties as the superintendent shall prescribe, not inconsistent with law; and the superintendent shall be responsible for all acts of such assistant.

**Chief clerk — Salary** — SECTION 165*a*. 1. In addition to the present provisions of law for clerk hire in the office of state superintendent, the state superintendent is hereby authorized to appoint a suitable person to the position of chief clerk in his office, who shall, under the direction of the state superintendent, have charge of the correspondence and books incident and necessary to the business of the office of the said state superintendent, and render such other assistance as the state superintendent may direct.

2. The appointment of the chief clerk of the state superintendent shall be filed with the secretary of state. The salary of said clerk shall be fifteen hundred dollars per annum, payable monthly, and there is hereby annually appropriated from the state treasury out of funds not otherwise appropriated, a sum sufficient to pay the salary of the clerk hereby authorized to be appointed.

**Extra clerk — Salary** — SECTION 165*b*. 1. The state superintendent is hereby authorized to appoint one clerk, in addition to the chief clerk now provided for that office, who shall, under the direction of the state superintendent, aid in promoting the establishment, maintenance and control of libraries as provided by law.

2. The salary of the additional clerk authorized by this act shall not exceed twelve hundred dollars per annum, and shall be paid in the same manner as the salaries of all other clerks in departments, and the expenses of such additional clerk, actually incurred in the performance of duty herein specified, not exceeding in any one year the sum of two hundred and twenty-five dollars, shall be certified monthly by the state superintendent, and the salary shall be paid and expenses reimbursed from the state treasury, and there is hereby annually appropriated from the general funds in the state treasury, not otherwise appropriated, a sufficient sum to carry into effect the provisions of this act.

By chapter 355, laws of 1897, the compensation of the library clerk was increased to \$1,400 a year.

**Additional clerks — Salaries** — SECTION 165c. 1. The state superintendent may employ such additional clerks in his office as shall be necessary to the correct, prompt and efficient discharge of the duties imposed upon him by law, and fix their compensation, which shall be paid out of the state treasury; provided, that the salary of no clerk hereby authorized shall exceed the sum of one thousand dollars per annum, and that the aggregate amount annually expended for such additional clerical force shall not exceed the sum of sixteen hundred dollars per annum.

Chapter 355, laws of 1897, provides that after July 1, 1897, the clerical force of the superintendent's office contemplated by this section, shall be one index and filing clerk at a salary of \$1,000 a year and one clerk and stenographer at a salary of \$7.0 a year.

**Appropriation**—2. There is hereby appropriated a sufficient sum of money to carry out the provisions of this act.

**Inspector of free high schools**—SECTION 165d. 1. The state superintendent is hereby authorized to appoint a person of suitable qualifications to assist him in visiting, inspecting and supervising the free high schools of the state, and to aid in giving information and needed assistance to localities in organizing and maintaining free high schools in towns where no graded schools exist.

**Salary.** 2. The person appointed pursuant to the provisions of this act shall receive an annual salary of eighteen hundred dollars, and reimbursement for all actual and necessary expenses incurred, payable monthly, upon the certificate of the state

superintendent, from the annual appropriation to encourage the establishment of free high schools provided in chapter 352, of the general laws of 1885. (Sec. 491*a*.)

**Other duties.** 3. The person hereby authorized to be appointed by the state superintendent may be assigned such duties in the office of the state superintendent when not engaged in the specific duties enumerated in section 1, of this act, as the said state superintendent may determine and designate.

**Superintendent's duties** — SECTION 166. The state superintendent shall have a general supervision over the common schools in this state, and it shall be his duty:

**To visit and inspect schools** — 1. To visit, so far as practicable, every county in the state for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possibly, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools.

**As to text-books** — 2. To recommend the introduction of the most approved text-books, and as far as practicable to secure a uniformity in the use of text-books, discourage the use of secretarian books and secretarian instruction in the schools; to advise in the selection of books for school-district libraries, and to open such correspondence abroad as may enable him to obtain, so far as practicable, information relative to the system of common schools and its improvements in other states and countries, which he shall embody in his annual report to the legislature.

**As to school libraries, laws, bulletins, courses of study, etc.** — 3. To prescribe rules and regulations for the management of school-district libraries, and the penalty which shall be imposed by the district boards for any violation of such rules and regulations; he shall prepare for the use of common school officers suitable forms for making reports and conducting all necessary proceedings; he shall cause the laws relating to common schools, with the rules and regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed in pamphlet form, with a suitable index; and he shall cause such pamphlets to be distributed among the several districts and other officers having the care of common schools throughout the state; he shall from time to time, by printed circulars and bulletins of information, communicate with teachers and school officers relating to matters connected with the management of public schools and the administration of his office; he shall prepare and publish from time to time, as occasion may require, courses of study for ungraded and for high schools, with such

comments and instructions appended as may be deemed necessary, for distribution to school officers, teachers and others interested. The printing herein authorized shall be done at the expense of the state, by the person authorized to do the state printing.

**To determine appeals**—4. To examine and determine all appeals, which by law may be made to him, according to the laws regulating the same, and his decisions thereon shall be final; and to prescribe rules of practice in respect thereto, not inconsistent with law.

**To purchase books**—5. To collect in his office such school books, apparatus, maps, and charts as can be obtained without expense to the state; and also to purchase at an expense not exceeding one hundred and fifty dollars a year, to be paid out of the state treasury, rare and valuable works on education, for the benefit of teachers, authors, and others who may wish to consult them.

**To apportion fund**—6. To apportion and distribute the school fund income as provided by law.

**To furnish copies**—7. To make copies when required by any person so to do, of any paper deposited or filed in his office, and of any act or decision made by him, and certify the same; and he may demand therefor twelve cents per folio.

**Biennial report**—8. To prepare in each year (biennially) a report to be delivered by him to the governor, on or before the tenth day of December, containing:

First. An abstract of all the common school reports received by him from the several clerks of the county boards of supervisors.

Second. A statement of the common schools in this state.

Third. Estimates and accounts of expenditures of the school money.

Fourth. Plans for the improvement and management of the common school fund, and for the better organization of common schools.

Fifth. A statement of his official visits, and of his travels in making the same during the past year.

Sixth. All such matters relating to his office, and the common schools of the state, as he may deem expedient to communicate.

**Conventions of superintendents**—9. It shall be the duty of the state superintendent of schools annually to hold at least four conventions, in as many different and most convenient and accessible points in the state, for the purpose of consultation,

advice and instruction, with county superintendents of schools, in regard to supervision and management of the public schools.

**Generally** — 10. To perform all other duties imposed upon him by law.

**Office where kept** — SECTION 167. The state superintendent shall have an office in the capitol, where shall be deposited all papers and documents appertaining to the business of his office; and to which place communications on the subject of common schools may be addressed to him.

By the general law requiring all state officers to make reports biennially, the state superintendent makes report but once in two years, but includes therein abstracts of all reports received in each year covered by the report.

## XX. CONSTITUTIONAL PROVISIONS.

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[Article 10.]

## EDUCATION.

**Superintendent of instruction, how chosen, powers and compensation**—SECTION 1. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature shall direct. The state superintendent shall be chosen by the qualified electors of the state, in such manner as the legislature shall provide; his powers, duties and compensation shall be prescribed by law. *Provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

**School fund, what is; interest of, how applied**—SECTION 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes (except the lands heretofore granted for the purposes of a university), and all moneys, and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected, in the several counties, for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land, to which the state is entitled by the provisions of an act of congress, entitled, "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five *per centum* of the net proceeds of the public lands to which the state shall become entitled on her admission into the Union (if congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the "school fund," the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

1. To the support and maintenance of common schools, in each school-district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

**District schools — Tuition — Sectarian instruction —** SECTION 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition, to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

**Annual school tax —** SECTION 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

**Income of school fund, how distributed —** SECTION 5. Provision shall be made by law, for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city, or town, for the year in which said city or town shall fail to raise such tax; nor to any school-district for the year in which a school shall not be maintained at least three months.



# FORMS

## FOR THE USE OF SCHOOL OFFICERS.

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### No. 1.

Form of order organizing a new school-district, to be filed with the town clerk.

It is hereby ordered and determined that [here describe the territory to be comprised in the district, by sections and parts of sections] shall hereafter constitute a school-district, to be known as school-district No. —, of the town of —.

Given under our hands, this — day of —, 18—.

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—For form of order organizing joint district, see No. 6.

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### No. 2.

Form of notice for the first meeting of a school-district, to be delivered by the town supervisors to a taxable inhabitant of the district.

Having, on the — day of —, 18—, formed a new school-district, to be known as school-district No. —, of the town of —, [or joint school-district No.—, of towns of — and —, in case it be a joint district] comprising the following territory: [Here insert the description of the district, as in form No. 1], you are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the —noon, by reading this notice in the hearing of each such voter, or in

case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting, and thereof to make due return.

Dated at —, this — day of —, 18—.

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.— If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

### No. 3.

Form of notice for first meeting, to be left at the residence of a voter when absent.

To A. A. :

By direction of the supervisors of the town of —, you are hereby notified that the first meeting of school-district No. —, of —, recently formed, will be held at the house of —, in said district, on the — day of — 18—, at — o'clock in the — noon. Your attendance is requested.

(Signed)

G. H.,  
Person appointed to give notice.

### No. 4.

Form of return to be endorsed upon notice received from town supervisors, on the formation of a school-district.

I hereby certify that I have notified the following named persons [here give the names in full], personally, and the following named persons [here insert names] by copy, according to the directions of the within notice.

Dated this — day of —, 18—.

(Signed)

G. H.,  
Person appointed to give notice.

## No. 5.

Form of notice for a meeting of a school-district to be delivered by the town supervisors, to a taxable inhabitant, in case there is no officer to call a meeting.

To A. B., a taxable inhabitant of school-district No. —, of —: You are hereby directed to notify every qualified voter of school-district, No. —, of —, to attend a meeting thereof, which is hereby appointed to be held at the house of — —, in said district on the — day of —, 18—, at — o'clock in the — noon, by reading this notice in the hearing of such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [here describe the district as in form No. 1.]

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE — If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

## No. 6.

Form of order organizing a joint school-district.

It is hereby ordered and determined that [here describe the territory by sections and parts of sections] shall hereafter constitute a school-district, to be known as joint school-district No. —, of the towns of [here insert the names of all the towns in which any portion of the district is situated].

Given under our hands, this — day of —, 18—.

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

G. H. } Supervisors  
I. J. } of the town  
K. L. } of —.

NOTE. — The above order must be signed by at least two supervisors from each town affected by it, and a copy must be filed with the town clerk of each town.

## No. 7.

Form of acceptance of office by district officers elected at the first meeting after the formation of a district, to be filed with the clerk of the meeting.

I hereby signify my acceptance of the office of ———, of school-district No. —, in the town of ———, to which I have been elected.

Dated this — day of —, 18—.

(Signed)

G. H.

## No. 8.

Form of notice to be given to the district clerk when alteration of the boundaries of a district is contemplated.

To C. D., Clerk of school-district No. —, of town of —:

You will take notice that we shall be present at [here mention the place], on the — day of —, 18—, at — o'clock in the —noon, to hear and decide upon certain proposed alterations of the boundaries of said school-district.

Dated this — day of —, 18—.

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—In case of a joint district, the above notice must be signed by a majority of the supervisors of each town, a part of which is embraced in the district or districts to be affected by the proposed alteration.

## No. 9.

Form of order for altering the boundaries of a school-district.

It is hereby ordered and determined that the [here describe the territory by sections and parts of sections], now part of school-district No. —, of the town of —, be and hereby is taken from said school-district, and attached to and made a part

of school-district No. —, of said town for all purposes whatsoever.

This order will take effect on the — day of —, 18—.

Given under our hands the — day of —, 18—.

(Signed)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE 1.—The above order must be filed with the town clerk and the district clerk; and in case of a joint district the order must be signed by a majority of the supervisors of each town, a part of which is embraced in the district and filed with the town clerk of each town, and the district clerk of each district affected by the alteration.

NOTE 2.—The board of each district affected by the alteration may endorse their consent on the order as follows:

We hereby consent to the alteration made in school-district No. —, of the town of —, agreeably to the within order of the town supervisors of said town.

(Signed)

G. H., Director, } Of said school-district  
E. F., Treasurer, } No. —, of the town  
C. D., Clerk, } of —.

NOTE.—When such consent is not endorsed upon the order, it will not take effect until three months after its date, and no order can be made to take effect between December 1, and April 1 immediately following.

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### No. 10.

Form of order of town supervisors awarding proportion of value of property to new district.

To the district clerk of school-district No. —, of the town of —:

Having formed a new school-district, No. —, of the town of —, in part [or wholly] from the territory of your district, we have ascertained and determined the proportion of value of the schoolhouse and other property, justly due to such new school-district from your district, retaining such schoolhouse and other property to be — dollars. You are therefore to raise and collect by tax, upon the taxable property of your district, the said sum of — dollars, and when collected pay the same to the treasurer of said new district.

Given under our hands this — day of —, 18—.

(Signed)

E. F. } Supervisors  
C. D. } of the town  
A. B. } of —.

NOTE.—In the case of a joint district, the above notice must be signed by a majority of the supervisors of each town embraced, in part, in the district.

## No. 11.

Form of notice for annual district meeting.

Notice is hereby given to the qualified electors of school-district No. —, of the town of —, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at —, on the first Monday, being the — day of July, at 7 o'clock in the afternoon [unless some other hour was determined upon by the district at the previous annual meeting].

Dated this — day of —, 18—.

(Signed)

C. D.,  
District Clerk.

NOTE.—The above notice must be affixed to the outer door of the school-house, if there be one in the district, and must be posted up in at least three other public places, at least six days before the time appointed for the meeting.

## No. 12.

Form of notice for an adjourned district meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given; that a meeting of the qualified electors of school-district No.—, in the town of —, will be held at —, in said district, on the — day of —, 18—, at — o'clock in — noon, pursuant to adjournment.

Dated this — day of —, 18—.

(Signed)

C. D.,  
District Clerk.

NOTE.—The foregoing must be posted the same as for the annual meeting.

## No. 13.

Form of request for clerk to call a special district meeting.

To A. B., clerk of school-district No. — of the town of —:

SIR—You are hereby requested to call a special meeting of the above district on the — day of —, 18—, at —

o'clock in the —— noon, for the purpose of [here state the business to be transacted].

(Signed)

A. B.  
C. D.  
E. F.  
G. H.  
I. J.

NOTE.—The above notice must be signed by at least five legal voters.

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No. 14.

Form of notice for special district meeting.

Notice is hereby given to the qualified electors of school-district No. —, in the town of —, that a special meeting of said district will be held at —, on the — day of —, 18—, at — o'clock in the —noon, for the following objects: [Here particularly specify each item of business to be acted upon.]

(Signed)

C. D.,  
District Clerk.

NOTE.—The above must be posted as for an annual meeting, and in case it is intended to raise a tax, or vote a loan, three-fourths of the legal voters must be personally notified of the meeting, or a copy of the above notice must be let at their places of residence, at least six days before the time appointed for the meeting.

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Form of notice for special school meeting for the purpose of authorizing the district board to borrow money from the trust funds of the state, and to vote the taxes required by law to be voted, in order to obtain such loan.

Notice is hereby given to the qualified voters of — school-district No. —, town of —, that a special school meeting of said district will be held at —, in said district on the — day of —, 18—, at — o'clock P. M., for the purpose of voting on the following propositions, viz :

1st. To authorize the school board to make application for a loan of — dollars from the state trust funds, payable in — years, with interest at the rate of — per cent. per annum, payable annually in advance, for the purpose of building a schoolhouse.

2d. To raise by tax a sum sufficient to pay the principal and interest of such loan as it becomes due.

3d. To raise by tax the sum of — dollars, to be collected in the tax for the year — to aid in building a schoolhouse.

(Signed)

Dated —.

—, —,  
District Clerk.

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No. 15.

Form of notice to be given by the clerk of a school-district meeting to the officers elect who were not present at the meeting.

To — —:

You are hereby notified that at a meeting of school-district No. —, in the town of —, held on the — day of —, 18—, you were duly elected — of said district.

Dated this — day of —, 18—.

(Signed)

C. D.,  
Clerk of said meeting.

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons elected to office who were not present at the time.

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No. 16.

Form of refusal to accept district office, to be filed with the clerk of the district.

To the clerk of school-district No. —, in the town of —:

You are hereby notified of my refusal to accept the office of —, to which I was elected at the meeting of said district, held on the — day of —, 18—.

(Signed)

G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable for non-performance of duty.



## No. 17.

Form of an appointment to fill a vacancy in the district board.

To A. B.:

The office of [clerk, director, or treasurer] of school-district No. —, of the town of —, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this — day of —, 18—.

(Signed)

G. H., Director.

E. F., Treasurer.

[Or other members of the board as the case may be.]

\* NOTE.— It requires two members of the board to make an appointment. If they neglect for ten days to fill the vacancy, it must be done by the town clerk, after the following form; in either case the appointment must be filed with the district clerk.

## No. 18.

Form, when the town clerk appoints.

To A. B.:

The office of [clerk, director or treasurer] of school-district No. —, of the town of —, having become vacant, and the district board of said district having failed to fill the same within ten days you are hereby appointed to fill such vacancy until the next annual meeting of said district.

(Signed)

C. D., Town Clerk.

NOTE.— In case a vacancy in a joint district is to be filled by the town clerk, the appointment is to be made by the clerk of the town containing the schoolhouse. (See sec. 433.)

## No. 19.

Form of refusal to accept a district office by appointment.

To the district board of school-district No. — [or the town clerk as the case may be], of the town of —:

You are hereby notified of my refusal to accept the office of

— of school-district No. —, of said town, to which I was appointed by you on the — day of —, 18—.

Dated this — day of —, 18—.

(Signed)

G. H.

NOTE.— The notice of refusal must be filed with the clerk or director within five days after the appointment, or the person shall be deemed to have accepted the office, and be liable to a fine for non-performance of duty.

## No. 20 (DEED OR LEASE).

Form of deed of a schoolhouse site.

Know all men by these presents, that I, A. B. [and C. B., his wife, if married], of the town of —, in the county of —, in state of Wisconsin, party of the first part, for and in consideration of the sum of — dollars to them in hand paid by the district board of school-district No. —, of the town of —, county of —, and state aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school-district, party of the second part and their assigns, the following described piece of land, namely: [Here insert description of land,] together with all the privileges and appurtenances thereunto belonging: To have and to hold the same to the party of the second part and their assigns forever; and the said party of the first part for themselves, their heirs, executors and administrators, covenant, bargain, and agree, to and with the said party of the second part and their assigns, that at the time of the sealing and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute, and indefeasible estate of an inheritance in the law in fee simple and that the said lands and premises are free from all incumbrances whatsoever, and that the above bargained premises in the quiet and peaceable possession of the third party of the second part and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this — day of —, A. D. 18—.

Signed, sealed and delivered }  
in presence of E. F. }  
G. H. }

A. B. [SEAL.]  
C. B. [SEAL.]

NOTE.— Such deed should be duly acknowledged before a notary public, justice of the peace, or other officer authorized by law to take such acknowledgment, and recorded in the office of the register of deeds for the county.

## FORM OF LEASE.

Know all men by these presents, that A. B., of the town of —, in the county of —, in the state of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "school-district No. —, of the town of —," county of —, in the state aforesaid, party of the second part, and their assigns, the following described parcel of land: [Here insert description of land.] Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of — years, from the — day of —, A. D. 18—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay to said party of the first part, for said premises, the annual rent of — dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this — day of —, 18—.

A. B., Lessor, [SEAL.]

C. D. } District board of school-  
E. F. } district No.—, of the  
G. H. } town of —.

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No. 21.

## Form of contract between district and teacher.

It is hereby agreed between school-district No. —, of the town of —, and L. M., a qualified teacher of the county of —, [or superintendent district No. —, of the county of —, as the case may be], that the said L. M. is to teach the common school of said district for the term of [here insert the time,] for the sum of — per month, commencing on the — day of —, 18—, it being understood and mutually agreed that — days shall constitute a month; and for such services properly rendered, the said district is to pay to the said L. M., the amount that may be due according to this contract, on or before the — day of —, 18—.

Dated this — day of —, 18—.

(Signed)

A. B., Director.

C. D., Treasurer.

E. F., Clerk.

L. M., Teacher.

If the teacher holds a limited certificate, for a single town or district, the contract may read: "a qualified teacher of said town," or "said district."

In case the teacher is employed in a graded school, the particular de-

partment for which he is engaged may be specified, and the contract may read: "———dollars per week," if hired by the week.

By section 459, printed on page 71 of this code, it will be seen that 20 days constitute a teacher's month, unless otherwise specified in the contract. When the teacher is hired at so much a month it is best always to specify in the contract how many days of teaching shall be considered a month.

All legal holidays count as school days for both teacher and district, if they come on a day when school would otherwise be taught, but as the law now provides Saturdays are not to be counted. If a legal holiday occurs on Sunday, the succeeding Monday is a legal holiday.

If the teacher is expected to build the fire, or cleanse or otherwise care for the schoolhouse, it should be so stated in the contract. If not specially provided for, the district board must provide for janitor service.

If the teacher expects the wages to be paid in monthly installments, or in partial payments of any kind, that should be clearly stated in the contract.

The contract must be signed by at least two members of the board, and cannot lawfully be made, until a meeting of the board has been held. A copy of the certificate held by the teacher must be attached to the contract. See section 438, pages 44 and 45.

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## No. 22.

Form of bond of district treasurer to be filed with the district clerk.

Know all men by these presents, that we, E. F., treasurer of school-district No. —, of the town of —, and L. M., his surety, are held and firmly bound unto said school-district in the sum of [here insert a sum of double the amount to come into the treasurer's hands, as near as can be ascertained] to be paid to the said school-district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our hands and dated this — day of —, A. D. 18—.

The condition of the above obligation is such that if the said E. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school-district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books

and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed and delivered in	}	E. F. [SEAL.]
presence of		R. S.
		G. H.

Form of approval to be endorsed on the bond of treasurer.

We approve of the within bond and surety.

(Signed)

G. H., Director.

C. D., Clerk.

### No. 23.

Form of notice to treasurer to furnish additional security.

To A. B., treasurer of district-school No. —:

SIR.—Deeming the security upon your bond insufficient to protect the district against loss, we hereby require you to furnish a new bond in the sum of \$—, with sureties to be approved by us, within ten days of the date hereof.

Dated this — day of —18—.

(Signed)

C. D., Director

E. F., Clerk.

### No. 24.

Form of order on treasurer for moneys to be disbursed by school-district.

To A. B., treasurer of school-district No. —, in the town of —:

Please pay to — the sum of — dollars for [here specify the object for which the money is to be paid], out of any money in your hands, not appropriated, belonging to the [here name the fund on which the order was drawn], of said district.

Dated this — day of —, 18—.

(Signed)

C. D., District Clerk.

G. H., Director.



The second part of the register should consist of blank pages for entering the school number, name, age, sex, daily attendance and tardiness of every pupil who attends the school, with a blank column at the right of the page, if desired, for a monthly summary, and one for "remarks." Following is a model for this section. Usually there is space for four months of record upon two contiguous pages.

Teachers' Daily Register for the term commencing —, and ending —, 189—.

\_\_\_\_\_, Teacher.

School Months, from — — — to — — —.

[illegible]

The third part of the register should consist of blank pages for showing the classification of the school, and recording the progress and standing of each pupil in the several branches of study pursued. Following is a model page of this section which can be repeated for each class in the school:

FIRST (OR SECOND, OR THIRD) CLASS IN GEOGRAPHY.

Winter (or spring or fall) Term, beginning ..... ending .....

Class commenced.....Geography, and advanced to page.....

No.	Name.	Age.	Entered.	Left.	Passed over pages.	Standing.	Prepared to go on from.	Remarks.
1.	John Jones	15	Nov. 1	March 5	19-78	100	Page 78.	Studious.
2.	Jane Smith	13	Nov. 8	March 8	25-68	68	Page 68.	Inclined to be frivolous.
3.	H. Peters	14	Nov. 10	March 5	19-66	100	Page 66.	Mother sick. Made up all gone over to Nov 10. Will probably make up during vacation to page 78, so as to go on with class.

The fourth part of the register should consist of a pupil's record for the school year, or ledger, which will be statistics posted from the daily register, and upon which the clerk may depend for making up his annual report for the town clerk. In this record a pupil's name should be entered but once in any one school year. In all the series of records each pupil should be given a school number, which he should carry through the



school year, whether attending school much or little, and this number should be assigned to no other pupil during that year. Following is the form of this section that may be used:

Pupils' Record for the School Year commencing — — —, 189—, and ending — — —, 189—.

No.	NAME.	SEX.		1ST MONTH.			2ND MONTH.			REMARKS.
		Age:	Male.	Days Present.	Days Absent.	Times Tardy.	Days Present.	Days Absent.	Times Tardy.	
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NOTES.— In filling up the daily register, the teacher will, of course, use her own preference in signs. The following are suggested: To indicate presence in the morning this mark — / —; to indicate presence in the afternoon this mark — \ —; so that if the pupil is present morning and afternoon this sign will appear against the name for that day — X —. If tardy in the morning the number of minutes may be placed in the upper angle, thus —  $\frac{10}{X}$ ; if tardy in the afternoon, indicate in the same way thus —  $\frac{15}{X}$ .

The teacher should take the age of the child, when taking the name, and indicate the sex, as initial letters fail to give the necessary information.

The teacher should carefully add the columns in the daily register at the end of each month, which need to be transferred to the ledger, and enter the summary therein accurately and legibly.

It is very desirable that each district in the state be fully and accurately reported. If one district in a town fails to report fully, the whole town suffers from this failure, in comparison with other towns that may be fully reported.

That the register be neatly kept, it will be best for the teacher to use a small blank book, in which may be registered the absences for the day, and then at night the register may be properly filled and footed.

Forms of school registers are now published, which are so arranged that all the foregoing items are condensed and kept in a single book. In procuring registers school officers should consult teachers or superintendent, and purchase only such as are best adapted to simple yet complete records.

## No. 26.

Form of notice to town treasurer of apportionment of school moneys by the town clerk.

Treasurer of the town of ———:

You are hereby notified that I have apportioned the school moneys now in your hands, to the different districts of the town, as follows:

To district No. 1 .....	\$.....	To district No. 6 .....	\$.....
.....do .....2 .....	.....	.....do .....7 .....	.....
.....do .....3 .....	.....	To joint dist...1 .....	.....
.....do .....4 .....	.....	.....do .....2 .....	.....
.....do .....5 .....	.....	.....do .....3 .....	.....

Dated this ——— day of ———, 18—.

(Signed)

—————, Town Clerk.

NOTE.—Immediately upon the receipt of the certificate of the town treasurer, of the amount in his hands (See form No. 27), the clerk shall proceed to apportion it among the several districts of the town from which reports have been received according to law, and thereupon he must notify the treasurer as above, that he may pay the moneys to the treasurers of the districts entitled to the same.

---

No. 27.

Form of certificate of town treasurer of moneys in his hands subject to apportionment.

To the town clerk of the town of ———:

I hereby certify that there is now in my hands the sum of \$——, school moneys, subject to apportionment to the school districts entitled thereto.

Dated this ——— day of ———, 18—.

(Signed)

A. B.,  
Town Treasurer.

## No. 28.

Form of report of town clerk to the county superintendent, of the names and post office addresses of the district clerks in his town.

To the county superintendent of schools of the county of ———:

SIR:—I hereby report to you the names of the school-district clerks in the town of ———, and their addresses, as follows:

District.	Name of Clerk.	Postoffice.
No. 1.....	A. B.....	.....
No. 2.....	C. D.....	.....
No. 3.....	E. F.....	.....
No. 4.....	G. H.....	.....
No. 5.....	I. K.....	.....
No. 6.....	L. M.....	.....
Joint No. 1.....	N. O.....	.....
2.....	P. R.....	.....
3.....	S. T.....	.....

(Signed)

A. W., Town Clerk.

NOTE.—The town clerk must report his own name and postoffice to the county superintendent within ten days after the said clerk's election, or appointment, and the name and office of each district clerk in his town, within ten days after the filing of the same in his office.

## No. 29.

Form of determination of relative proportion of taxes to be assessed upon the different parts of a joint district, situated in two or more towns.

Upon the application of A. B., C. D., and E. F., tax-payers in joint school-district No. —, of the towns of — and —, we have made the necessary inquiry and examination, and do hereby determine that for every dollar of district tax to be hereafter levied upon that portion of the district, the sum of — cents shall be assessed upon that portion of the district

lying in the town of —, and — cents upon that part lying in the town of —.

Dated this — day of —, 18—.

(Signed)

G. H., { Assessors  
J. K., { of  
L. M., { —

N. O., { Assessors  
P. R., { of  
S. T., { —

NOTE.— If assessors cannot agree, and the supervisors, or supervisors and chairman of an adjoining town are called to act, they will also sign the above. See section 471.

---

### No. 30.

Form of statement of the amount of taxes voted to be raised in a school-district, to be delivered by the district clerk to the town clerk.

To R. S., town clerk of the town of —.

The amount of taxes voted to be raised in school-district No. —, of the town of —, at the last annual meeting of said district, held on the — day of July, 18—, is [write the amount in words] dollars; which amount you are requested to assess upon the taxable property therein.

Dated this — day of —, 18—.

(Signed)

C. D.,

Clerk of School District No. —, of the town of —.

STATE OF WISCONSIN, County of —, ss.

C. D., being duly sworn, on oath says that he is clerk of school-district No. —, of the town of —, and the above statement by him made of the amount of taxes voted to be raised by said school-district therein is true.

(Signed)

C. D.

Subscribed and sworn to before me this — day of —, 18—.

(Signed)

J. P.,

Justice of the Peace.

NOTE.—If a district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated; also any tax voted at a special meeting, held between the time of the annual meeting and the third Monday of November following.

## No. 31.

Form of statement of the amount of taxes voted to be raised in a joint district, to be delivered to the clerk of each town in which any part of the district is situated.

To R. S., town clerk of the town of —:

The amount of taxes voted to be raised in joint school-district No. —, of the towns of — and —, at the last annual meeting of said district, held on the — day of July, 18—, is [write the amount in words] dollars; and the proportion of that amount to be raised in that part of said district which lies in the town of —, is [write the amount in words] dollars, which you are requested to assess upon the taxable property therein.

(Signed)

C. D.,

Clerk of Joint School-district No. —

Of the towns of — and —.

NOTE.—Attach affidavit of the district clerk similar to the one given in form No. 30.

## No. 32.

Form of application to board of supervisors to establish a schoolhouse site.

To the board of supervisors of the town of —:

At a regular meeting of school-district No.—, it was decided by a vote of a majority of the electors present, to apply to your honorable board to establish a schoolhouse site for said district. The district has selected [here describe the location of the site selected], but is unable to obtain the same, for the reason that the owner of the land selected will neither lease nor sell the same to the said district [or that the owner is a non-resident].

(Signed)

A. B.,

District Clerk.

## No. 33.

Form of certificate of district clerk that the notice for the meeting of the supervisors to establish a schoolhouse site has been given.

To the board of supervisors of the town of ———:

I hereby certify that on the ——— day of ———, I served the following notice upon the owner and occupant of the land therein described: [Here insert the notice in form 34.]

Dated this ——— day of ———, 18—.

(Signed)

A. B.,  
District Clerk.

NOTE.— In case there is no account of the land selected for a site, and the owner is unknown or resides out of the state, the notice must be published in the nearest newspaper, for six weeks previous to the meeting of the board of supervisors, and the above certificate must state the facts of such publication, instead of personal service.

## No. 34.

Form of notice for meeting of supervisors to decide upon an application to locate and establish a schoolhouse site.

The undersigned will be present at ———, on the ——— days<sup>s</sup> of ———, at ——— o'clock in the ——— noon, to decide upon the application of school-district No. —, for the location and establishment of a school-house site for said district upon [here describe the lands upon which it is proposed to establish a site.]

Given under our hands, this ——— day of ———, 18—.

A. B., } Supervisors  
C. D., } of the town  
E. F. } of ———.

NOTE.— In case the application is made by a joint district, the supervisors of all the towns in which any part of the district is situated must sign the above notice and be present at the meeting to establish the site.

## No. 35.

Form of certificate of action of town board of supervisors in locating and establishing schoolhouse site.

We hereby certify that on the ——— day of ———, A. D. 18—, we located and established a schoolhouse site for school-district

No. —, comprising the following described territory [here describe the lands taken for a site according to the survey of the same], and award the sum of — dollars in full as compensation to the owner [if there are two or more owners of the lands taken, specify the amount awarded to each], of the lands thus taken for said schoolhouse site.

Dated this — day of —, 18—.

(Signed)

A. B., } Supervisors  
C D., } of the town  
E. F., } of —.

NOTE.—The certificate of the action of town boards of supervisors in locating and establishing an addition to a schoolhouse site will be the same as above, except that in the second line, after the word "established," the word "a" will be omitted, and the words "an addition to the" will be inserted; and the last two lines will be made to read "taken for said addition to said schoolhouse site."

☞ Duplicates of the above certificates must be made out, and one of them must be delivered to the owner or occupant of the land taken, and the other to the district clerk of the district, who must have the same recorded in the office of the register of deeds of the county in which the site is situated.

---

#### No. 36.

Form of certificate of the sheriff of a vacancy in the office of county superintendent of schools.

To — —, State Superintendent:

SIR:—I hereby certify that a vacancy in the office of county superintendent of schools for — county, Wisconsin, occurred on the — day of —, 18—, by [here state the cause of the vacancy, whether by death, resignation, removal from the county, or the removal from office of the incumbent].

Given under my hand and seal of office, this — day of —, 18—.

(Signed)

A. B.,  
Sheriff of — County, Wisconsin.

---

#### No. 37.

Form of a certificate of a county clerk, of the division of a county into two superintendent districts, and of a consequent vacancy in the office of county superintendent of schools.

To — —, State Superintendent:

SIR:—I hereby certify that on the — day of —, 18—, the board of supervisors of the county of —, divided said

county into two superintendent districts; that they have determined that the present county superintendent shall have jurisdiction of district No. —, and that district No. —, therefore remains vacant.

Given under my hand and seal of office, this — day of —, 18—.

(Signed)

A. B.,  
County Clerk of — County, Wisconsin.

—

No. 38.

Form of statement of number of children of school age in a county, made by county superintendent for county treasurer, and county clerk.

To A. B., treasurer [or, clerk] of the county of —:

SIR:—The following is the number of children over the age of four and under the age of twenty years, in those districts of the several towns in this county [or superintendent district as the case may be] which have maintained school for six or more months the past school year, as returned to me by the town clerks:

Town.	Number of Children.	Town.	Number of Children.
A .....	.....	D .....	.....
B .....	.....	E .....	.....
C .....	.....	F .....	.....

Dated this fifteenth day of August, 18—.

(Signed)

G. H.,  
County Superintendent of Schools for — County.

NOTE.—The above statement must be filed with the county treasurer and county clerk on or before the fifteenth day of August in each year.

—

No. 39.

Form of notices to teacher and district clerk of the intention of the county superintendent to annul said teacher's certificate.

To A. B., teacher in school-district No. —, town of —:

SIR:—You are hereby notified that it is my intention to



annul the certificate of qualification now held by you as a teacher.

(Signed) B. B.,  
County Superintendent of Schools for ——— County.

To E. F., clerk of school-district No. —, of the town of —:

SIR:—You are hereby notified that it is my intention to annul the certificate of qualification held by ———, now employed in teaching in your district.

Dated this — day of —, 18—.

(Signed) B. B.,  
County Superintendent of Schools for ——— County.

NOTE.—The above notices must be served upon the teacher and district clerk at least ten days before the certificate is annulled.

---

### No. 40.

Form of annulment of teacher's certificate and notice to town clerk.

To A. B.:

SIR:—The certificate of qualification held by you as a common school-teacher in the county [or superintendent district or town] of —, issued on or about the — day of —, 18—, is hereby annulled.

Dated this — day of —, 18—.

(Signed) C. D.,  
County Superintendent of Schools for ——— County.

NOTE.—The above annulment will not take effect until the following notice has been filed with the town clerk of the town in which the teacher whose certificate is annulled is engaged in teaching.

To the town clerk of the town of —:

SIR:—You are hereby notified that on the — day of —, A. D. 18—, I annulled the certificate of qualification held by A. B., a teacher of your town, for the reason that in my opinion, the said A. B. does not possess the requisite qualifications as a teacher in respect to [moral character, learning or ability to teach, as the case may be].

Dated this — day of —, 18—.

(Signed) C. D.,  
County Superintendent of Schools for the County  
of —.

## APPLICATION FOR DICTIONARIES.

No. 41.

Form of application for first supply of a school-district.

STATE OF WISCONSIN, County of —, ss:

—, being duly sworn, deposes and says that district No. —, in the town of —, county of —, has never been supplied with Webster's International Dictionary, by the state, as provided by law.

—,  
District Clerk.

Post office —.

Subscribed and sworn to before me }  
this — day of —, 18—.

—  
—

Send by express to —, care of — —.

NOTE.—The dictionary formerly known as "Webster's Unabridged Dictionary" is now known as "Webster's International Dictionary." No district heretofore supplied with a dictionary under the former title will be entitled to a dictionary for re supply *free of charge* under the present title. See section 509.

No. 42.

Form of application for supply of additional departments.

STATE OF WISCONSIN, — County, ss.

—, being duly sworn, deposes and says that the following department— in district No. —, in the — of —, in the county of —, ha— never been furnished with Webster's International Dictionary by the state, as provided for by law; department— unsupplied, —; department— heretofore supplied, —.

—,  
District Clerk.

Post office —.

Subscribed and sworn to before me, }  
this — day of —, 18—.

—  
—

Send by express to —, care of — —.

## No. 43.

Form of application for supply of additional departments in cities.

STATE OF WISCONSIN, —, County, ss.

—, being duly sworn, deposes and says that the public schools in the city of —, county of —, embrace — distinct departments, in as many different rooms (not including recitation rooms), under different teachers, and that the following departments in said schools have never been supplied with Webster's International Dictionary, as provided by law:

Departments unsupplied.	Departments heretofore supplied.
.....	.....
.....	.....
.....	.....
.....	.....

—, City Superintendent.

Subscribed and sworn to before me }  
 this — day of —, 18—. }  
 —, }  
 —, }  
 Send by express to —, care of —.

## No. 44.

Form of application for dictionaries by the secretary of a town board.

STATE OF WISCONSIN, County of —, ss.

—, being duly sworn, deposes and says that the following subdistrict —, in the town of —, county of — has never been supplied with Webster's International Dictionary, as provided by law, subdistricts unsupplied, —; subdistricts heretofore supplied —.

—, Secretary of Town Board of Directors,  
 Post-office, —.

Subscribed and sworn to before }  
 me this — day of —, 18—. }  
 —, }  
 —, }  
 Send by express to — care of —

## No. 45.

Form of application for re-supply, when dictionary previously furnished is lost.

STATE OF WISCONSIN, ——— County, ss.

———, being duly sworn, deposes and says that district No. —, in the town of —, county of —, has lost by —, the copy of Webster's International Dictionary heretofore furnished to said district by the state.

———,  
District Clerk.

Post office, —.

Subscribed and sworn to before me, this — day of —, 18—.

———,

———.

Send by express to —, care of —.

NOTE.—The price of the dictionary must accompany the application.

## No. 46.

Form of application for re-supply, when dictionary previously furnished is worn out.

STATE OF WISCONSIN, ——— County, ss.

———, being duly sworn, deposes and says that the dictionary heretofore furnished to district No. —, in town of —, county of —, is so worn out as to be unfit for use.


———,  
District Clerk.


Subscribed and sworn to before me, this — day of —, 18—.


———,

———.

Send by express to —, care of —.

 The last two forms above can be altered to meet circumstances, in case the application for a re-supply is for a graded school in a city or village.

 Dictionaries are not furnished free for a re-supply, but at the cost to the state, viz.: Plain edition, \$7; indexed, \$7.50. The money, or a money order, or a draft must in all cases accompany the application. It is better to send a money order or draft, as the state is not responsible if the money is lost.

 Applications for dictionaries must be made by the district clerk, the secretary of the town board, or the superintendent of the schools in a city or incorporated village, and the post office of the applicant should be given as well as the nearest express station. Dictionaries cannot be sent by mail.

## FREE HIGH SCHOOLS.

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No. 48.

Form of resolution proposing establishment of a high school.

In order that the question of establishing and maintaining a high school in the town of — may be submitted to the electors thereof for determination, the following resolution is hereby proposed for adoption:

Resolved, by the town board of the town of —, That a high school be established and maintained in said town. The town clerk is directed to give notice that said resolution will be submitted to a vote at the annual town meeting (or, general election) to be held in said town on the — day of —, 18—, (or, at a special meeting or election to be held on the — day of —, 18—, which the town clerk is hereby required to call upon due notice).

Dated this — day of —, 18—.

(Signatures of Board.)

---

Form of notice that foregoing resolution will be submitted to vote.

Notice is hereby given to the electors of the town of —, in the county of —, that at a special election which is hereby called (or at the annual town meeting or general election) to be held in said town on the — day of —, 18—, the following resolution will be submitted to the vote of said electors:

Resolved, etc. [as in the foregoing]: and that at said election members of the high school board will be chosen, to take their offices if said resolution be adopted, the clerk for one year, the treasurer for two years, and the director for three years; their

respective terms of office beginning with the annual town meeting.

Dated this — day of —, 18—.

(Signed) —, Town Clerk.

NOTE.—The above forms may be used with the proper changes, in the case of incorporated villages, or graded school-districts, the call and notice to be signed by the village or district clerk.

In case the call is for special school-district meeting, it must be signed by at least five legal voters of the district, and the notice given at least six days before the time appointed

---

No. 50.

Form of certificate to be forwarded to the state superintendent to secure participation in apportionment to free high schools.

This may certify that on the — day of —, 18—, the legal voters of the town of — [or towns of —, where two or more towns unite, or of school-district No. —, town of —, where vote is by a school-district, or city, or village] adopted a resolution to establish and maintain a free high school in said town (or towns, or school-district), and the persons whose names are hereunto appended have been duly elected to the office appended to their names, respectively. We further certify that no (or one or more) graded school exists in said — of —. The course of study adopted by said high school board for said high school is herewith submitted for the approval of the state superintendent, and the names and examination papers of —, pupils prepared to enter said high school, who are residents of said town (or towns, or school-district) of —, are herewith forwarded for inspection. The examination of these pupils was held on the — day of —, 18—, and was conducted by —.

Dated at —, this — day of —, 18—.

— } Director.  
 — } Clerk.  
 — } Treasurer.

NOTE.—With this certificate the examination papers of at least twenty-five pupils, residents of the high school-district, should be forwarded. The character and scope of these examinations are commented upon in the high school pamphlet.

## TOWNSHIP SYSTEM OF SCHOOLS.

\_\_\_\_\_  
No. 51.

Form of petition.

To M. S., Town Clerk:

The undersigned electors of the town of —, hereby petition that the question of township school government in said town may be submitted to the electors thereof, at the ensuing annual town meeting (or, general election).

Dated this — day of —, 18—.

(Signed)

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_.

NOTE.—The petition is to be signed by at least ten electors of the town.

— —

No. 52.

Form of notice to be given by town clerk.

Notice is hereby given that at the annual town meeting (or, general election), to be held in said town of —, on the — day of —, 18—, the question of township school government in said town will be submitted to the electors thereof, a petition therefor having been presented to me signed by ten electors of said town.

Dated this — day of —, 18—.

(Signed)

\_\_\_\_\_, Town Clerk.





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